The best Fence against Popery:

OR, A

VINDICATION

OF THE

Power of the KING

IN

Ecclesiastical Affairs,

Being an ANSWER to the PAPISTS Objections against the *Oath of Supremacy.*

To which is added, Queen *Elizabeth's* Admonition, declaring the Sense of the said Oath, and King *James's* Vindication of the Oath of Allegiance.

By a Learned Divine. viz. Philip Nye

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THE LAWFULNES OF THE Oath of Supremacy, &c.

THE Supremacy of the Kings of *England* being eclipſed by the Biſhop of *Rome*, in both parts of it, the State thought fit to enjoin a Proviſion of equal extenſion. In relation to the *Civil Rights* of the Crown, is the Oath of *Allegiance*; and againſt the Encroachments upon the *Eccleſiaſtical*, this of the *Supremacy*, which being firſt enjoined, containeth in a manner both. This Oath hath given the Papiſts ſuch a Blow, as they could not but ſtrike again, and have poured out a Flood of Arguments and Abſurdities againſt ſubmitting to it, which hath been a long time ſcattered, and ſtick in the Minds of divers of his Majeſty's Loyal Subjects; who, tho otherwiſe well affected, yet by reaſon of ſome Doubts and Tenderneſs, are at a ſtand to this day, and ſcruple the taking of this Oath: For whoſe ſatisfaction, and clearing the Lawfulneſs of this Supremacy, is the enſuing Diſcourſe.

CHAP. I.

§. 1. *The Oath it self, as now enjoined.* §. 2. *The Occasion of this Oath.* §. 3. *Various Forms of it, and Alterations about it.* §. 4. *Interpretations given of it in our Laws, and Writers of Note.* §. 5. *The Nature of our Assent and Stipulation.*

The Oath of *Supremacy*.

I A. B. do utterly testify and declare in my Conscience, that the King's Highness is the only Supreme Governor of this Realm, and of all other his Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal: And that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preeminence, or Authority Ecclesiastical or Spiritual, within this Realm. And therefore I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities, and Authorities, and do promise, that from henceforth I shall bear Faith and true Allegiance to the King's Highness, his Heirs and lawful Successors; and to my power shall assist and defend all Jurisdictions, Privileges, Preeminences, and Authorities, granted or belonging to the King's Highness, his Heirs and Successors, as united and annexed to the Imperial Crown of this Realm.

§. 2.

§. 2. For many Years there hath been a Conteſt about Juriſdiction and Supremacy in *Eccleſiaſtical* Matters, between the Biſhop of *Rome*, and the Kings of *England*; who hath got ground herein, according as our Princes were found more weak, neceſſitous, or devoted to his Holineſs. *Rome* was not built in a Day. By *William* the Conqueror, *Legates* from the Pope, to hear and determine Eccleſiaſtical Cauſes, were admitted. *Henry* the Firſt, after much Conteſt, yields to the Pope the Patronages and Donations of Biſhopricks, and all other Eccleſiaſtical Benefices; it being decreed at *Rome*, that no Lay-Perſon ſhould give any Eccleſiaſtical Charge. King *Stephen* grants, that *Appeals* be made to the Court of *Rome*. In *Henry* the Second's Days, the Pope gets the Clergy, and Spiritual Perſons, exempted from Secular Powers. The Biſhop of *Rome* is now over all Eccleſiaſtical Perſons and Cauſes, even in theſe Dominions, Supreme Head. And having upon the matter made Conqueſt over more than half the Kingdom, in the Times of King *John*, and *Henry* the Third, ſets on for the whole, and obtains of King *John* an abſolute Surrender of *England* and *Ireland* unto his Holineſs, which were granted back again by him to the King, to hold of the Church of *Rome*, in Fee-farm and Vaſſalage. Being now abſolute and immediate Lord over all, he endeavours to convert the Profits of both Kingdoms to his own Uſe; ſo that *Prince* and *People* were hereby reduced to very great Poverty and Servitude.

Such Ruine being brought upon both Kingdoms by this Device and Engine, (the Claim and Exerciſe of Eccleſiaſtical Juriſdiction over Perſons and Cauſes by a Foreign Power) the Nation was awakened, both *King*, *Lords*, and *Commons*, yea, the *Spiritual Lords* themſelves, to join with more Vigor againſt this Foreign Uſurpation. To this purpoſe ſevere Laws were made, in the Time of *Edw.* 1*ſt*, 2*d*, 3*d*. *Richard* the 2*d*, and *Hen.* the 4*th*. Notwithſtanding theſe Laws, (and ſome formerly, as the Conſtitutions of *Clarendon* by *Hen.* 2.) partly by Sufferance, and partly by Negligence, the whole Nation being Catholick, and held under a devotional Slavery, there was no thorow or ſucceſsful Conteſt againſt theſe Oppreſſions. They remained unto, and were complained of in *Henry* the Eighth's Days; as of *Appeals to* Rome *in Cauſes of Matrimony*, *Divorce*, *Tithes*, &c.

to the great Inquietation, Vexation and Trouble, Coſts and Charges of the King's Highneſs, and many of his Subjects. 24 Hen. 8. cap. 12. In a further Complaint, *Anno* 25, cap. 21. it is declared, how that *the Subjects of this Realm have been greatly decay'd and impoveriſhed by intolerable Exactions of great Sums of Money, claimed, and taken out of this Realm by the Biſhop of* Rome, *as well in Penſions, Cenſes, Peter-Pence, Procurations, Proviſions, Delegacies, Reſcripts in Cauſes of Contention and Appeals, as alſo for Diſpenſations, Licenſes, Faculties,* &c. who aſſumed a Power to diſpenſe with all humane *Laws, Uſes, and Cuſtoms of all Realms.* And many the like Complaints were made to King *Henry*, by his Parliament, at ſeveral times, as it appears in the Statutes of that Age: In which Statutes, as in that of the 24*th* of *Hen.* 8. *c.* 12. & 25. *c.* 21. 26. *c.* 1, 3. *Anno* 28. *c.* 1, 7, 10, 16, and 35 *c.* 1. you have the whole Fabrick of Romiſh Uſurpation laid level, and all Eccleſiaſtical Power reduced within his Majeſty's Dominions, and placed in the Arch Biſhop, and other Eccleſiaſtical Perſons under him, by firm and ſevere Laws.

This being done, the King is petitioned by his Lords and Commons, *That for further Corroboration of thoſe Acts, and utterly to exclude the long uſurped Power, Authority, and Juriſdiction of the Biſhop of* Rome, *that an* OATH, *containing the Subſtance and Effect of thoſe Statutes, be limited and tendred to his Subjects.*

This Parcel of Sacred Worſhip (an Oath) is indulged to Mankind in Civil Affairs. Such is the Falſeneſs, Unrighteouſneſs, and Uncertainty of Men, as that human Societies could hardly ſubſiſt without it. The Lord, to repair our Credit, hath formed Mens Hearts generally to a great and apparent Religion, and Reverence of this Ordinance. The Heathens themſelves termed it *Sacramentum*, as if the moſt eminent or only Thing Sacred, and religiouſly to be obſerved. It is ſo effectual a Means to eſtabliſh a Reformation, as *Men will be kept firm by Oaths*, (ſaith one) *tho there were neither Laws nor Magiſtrates.* We are expoſed to more Variety and Changes from *Unſteadineſs in the Mind*, than from any thing that is *without us.* Fix the Conſcience, and you fix the Man, whatever Evil he is thereby expoſed to. There is nothing generally more effectual to fix the Conſcience than an Oath: If I have ſworn, and invocated the Name of God in an Engagement, it will be an *End of all Strife*, and

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diſpute

diſpute with my ſelf, as well as with others, *Heb.* 6. 16. Our Counſels and Reſolutions are in common apprehenſion become immutable, when *confirmed by an Oath*, ver. 17. *Whoſoever* (ſaith *Moſes*) *ſweareth an Oath, and bindeth his Soul by a Bond.* It is the Bond of the Soul, we have given Security for our Faithfulneſs from Heaven. For removing the Romiſh Yoke, which lay ſo heavy upon Prince and People, Means hath been uſed again and again, almoſt in each King's Reign, for near Four Hundred Years, but to no great effect. Goſpel-Light dawning about us, and the binding of our Souls by an Oath, hath been the fixing of this great Work, and the beſt Fence againſt Popery that ever was ſet up. I have ſpoken the more fully of the *Occaſion*, and this *Means* (our Oath), that we may not judg the taking of it to be a *taking the Name of God in vain*; for as long as this Nation is in danger of Popiſh Tyranny in Eccleſiaſtical Matters, ſo long is this Oath of abſolute uſe and advantage, as the beſt Security between Man and Man for Union againſt it. Numb. 30. 3.

§. 3. A Parliament being called in 22 *Hen.* 8. the King was recognized by the Clergy of that Convocation, *Supreme Head of the Church*; the Expreſſion or Form hereof debated, agreed upon, and ſubſcribed by each Perſon there, was this: *Cujus* (*Eccleſiæ Anglicanæ*) *ſingularem Protectorem, unicum & ſupremum Dominum, &* (*quantum per Chriſti leges licet*) *ſupremum Caput, ipſius Majeſtatem recognoſcimus.* This Title was afterwards confirmed by divers Acts of Parliament, and two Oaths formed to this purpoſe in one Parliament, *viz.* 28 *Hen.* 8. the one more brief, having with it the Succeſſion of the Crown, in *cap.* 7. the other more full and large, and to this purpoſe only, *cap.* 10. Some Years after, *viz.* in *An.* 35 *Hen.* 8. a Revive of both theſe Oaths was made by the Parliament, and with ſome Alterations reduced into one: The Reaſons there are given why this was done; and it was reſolved, *Thoſe Oaths ſhall not therefore be adminiſtred, and this Oath to ſtand in force and place of the two Oaths.* Which Oath began thus:

I A. B. having now the Vail of Darkneſs of the uſurped Power of the See and Biſhops of Rome clearly taken away from mine Eyes, do utterly teſtify, &c.

This

This Oath remained the ſame the reſt of his Reign, and all *Edward* the Sixth's time. Queen *Elizabeth*, in the firſt Year of her Reign, made theſe Alterations: 1. That Expreſſion of *Supreme Head*, &c. went hardly down by ſome, as taking too much from the Pope; and as giving too much to any Secular Prince, by others. Tho *Henry* the 8*th*, by his Letter written to the Clergy of *York*-Province, well defends it; yet Queen *Elizabeth* by her Parliament changed that Expreſſion. *The Oath was altered* (to uſe Secretary *Walſingham*'s Words) *into a more grateful Form, the hardneſs of the Name, and the Appellation of* Supreme Head *being removed.* 2. This Oath by that 35 of *Hen.* 8. might be tendered to any Subject at the King's pleaſure, *cap.* 1. By the Statute 1 *Eliz.* 8. the urging of it was limited to certain Perſons, mployed in Publick Truſt. 3. The Penalty for refuſing it, at firſt was no leſs than High-Treaſon: By the Statute 1 *Eliz.* the Puniſhment for Refuſal is only a Diſenablement to take any Promotion, or exerciſe any Publick Charge, yet with this *Proviſo*, if afterwards during Life there were a ſubmitting to taRe this Oath, the Perſon might be reſtored to his Office or Charge. But by the Parliament in 5 *Eliz.* the Puniſhment (which as yet ſtands) is greater: The firſt Refuſal of the Oath brings the Perſon within a *Præmunire*; and if tendred a ſecond time, after the ſpace of three Months, and again refuſed by the ſame Perſon, it is High-Treaſon. This Severity in the Puniſhment, is recompenſed with a more gentle and indulgent Interpretation of the Oath, as will appear in the following *Section*.

Anno 1533.

1 *Eliz.* 2.

In his Letter to *Critoy*, Sec. of *France*.

As we are not to ſwear raſhly, ſo our Laws do not give Oaths raſhly, but with great care and tenderneſs, weighing and conſidering both the Matter, Perſons, Penalties, and the Seaſon or Occaſion, being not willing their Laws, or Puniſhments for breaking of them, be a Snare, or at any time more grievous to the Subject than the Neceſſity of State requires.

§. 4. The true Scope and Sence of this Oath may be gathered from the Laws and Statutes ſince eſtabliſhed, and ſome Light alſo from other Writers of Note.

Queen *Eliz.* within a little time after this Oath was reduced to the Form wherein now it ſtands, in an *Admonition* annexed to the *Injunctions*, declareth the Sence and Interpretation of it, as followeth.

THE

The Admonition annexed to the Queen's Injunctions.

THE *Queen's Majeſty being informed, that in certain Places of this Realm, ſundry of her Native Subjects being called to Eccleſiaſtical Miniſtry in the Church, be, by ſiniſter Perſuaſion, and perverſe Conſtruction, induced to find ſome ſcruple in the Form of an Oath, which by an Act of the laſt Parliament is preſcribed to be required of divers Perſons, for the Recognition of their Allegiance to her Majeſty, which certainly neither was ever* meant, *ne by any* equity of Words, *or* good Sence, *can be thereof gathered; would that all her Loving Subjects ſhould underſtand, that nothing was, is, or ſhall be meant or intended by the ſame Oath, to have any other Duty, Allegiance, or Bond required by the ſame Oath, than was acknowledged to be due to the moſt noble Kings of famous memory, King* Henry *the Eighth, her Majeſty's Father, or King* Edward *the Sixth, her Majeſty's Brother.*

And further, her Majeſty forbiddeth all manner her Subjects to give ear or credit to ſuch perverſe and malicious Perſons, which moſt ſiniſterly and maliciouſly labour to notify to her Loving Subjects, how by the Words of the ſaid Oath it may be collected, the Kings or Queens of this Realm, Poſſeſſors of the Crown, may challenge Authority and Power of Miniſtry *of Divine Offices in the Church; wherein her ſaid Subjects be much abuſed by ſuch evil diſpoſed Perſons: For certainly her Majeſty neither doth, ne ever will challenge any other Authority, than that was challenged, and lately uſed by the ſaid noble Kings of famous memory, King* Henry *the Eighth, and King* Edward *the Sixth, which is, and was of ancient time* due to the Imperial Crown of this Realm: *That is, under God, to have the Sovereignty and Rule over all manner of Perſons* born within theſe her Realms, *Dominions, and Countries, of what Eſtate, either Eccleſiaſtical or Temporal ſoever they be, ſo as no other Forcign Power ſhall, or*

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ought to have any Superiority over them. And if any Perſon, that hath conceived any other Sence of the Form of the ſaid Oath, ſhall accept the ſame Oath with this Interpretation, Sence, or Meaning, her Majeſty is well pleaſed to accept every ſuch in that behalf, as her good and obedient Subjects, and ſhall acquit them of all manner Penalties contained in the ſaid Act, againſt ſuch as ſhall peremptorily or obſtinately refuſe to take the ſame Oath.

In the fifth Year of her Reign, there is by Act of Parliament, a Confirmation of this Sence, by way of *Proviſo*, in theſe Words:

The *Proviſo* in the Statute of 5 *Eliz. cap.* 1.

Provided alſo, That the Oath expreſſed in the ſaid Act, made in the ſaid firſt Year, ſhall be taken and expounded in ſuch Form as is ſet forth in an Admonition annexed to the Queen's Majeſty's Injunctions, publiſhed in the firſt Year of her Majeſties Reign: That is to ſay, to confeſs and acknowledg in her Majeſty, her Heirs and Succeſſors, none other Authority than that was challenged, and lately uſed by the Noble King Henry the Eighth, and King Edward the Sixth, as in the ſaid Admonition more plainly may appear.

There may be a Doubt made about this Interpretation, as whether it be not inconſiſtent with the Words of the Oath, it ſeems to be rather a material Change of them, than an Interpretation. In the Oath it is, *All Spiritual or Eccleſiaſtical Things or Cauſes*; in the Interpretation it is, *All manner of Perſons, of what Eſtate, either Eccleſiaſtical or Temporal, ſoever they be.* The Oath ſeems to ſpeak of one thing, and the Interpretation of another; the one of Cauſes, and the other of Perſons.

Ad leges, per ſe requiritur poteſtas in perſonam, ſecundario in res actas. Suarez *de Leg. lib.* 1. *cap.* 8.

Anſw. There is no oppoſition or Inconſiſtency between theſe two, *Perſons* and *Cauſes*. The principal Object of a Law is a Perſon, and a Perſon with reſpect to his Actions, a Perſon morally conſidered; for a Perſon phyſical, that is, in his Being only, and Nature as Man, without moving, or acting any thing

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good or evil, is not the Object of a Law? nor Actions of any kind or ſort whatſoever, as Actions, and in that general Conſideration, do come under a Law, but as they reſpect Perſons, and are ſome way or other the Actions of reaſonable Creatures: Tho a Law be made to puniſh the *Ox which goreth a Man that be dieth*, yet it is with reſpect to Man, to let him know how much God is provoked by ſhedding Man's Blood, as *Gen.* 9. 5. *Doth God care for Oxen?* Doth God in his Law reſpect the Beaſt for it ſelf? is it not that Man may be inſtructed and reſtained? *Verſe* 10. *He ſaith it altogether for our ſakes.* The mentioning of Eccleſiaſtical Cauſes therefore doth imply Perſons, and Perſons of the ſame Denomination, to whom ſuch Actions are peculiar, that is, Eccleſiaſtical Perſons. Exod. 21. 29. 1 Cor. 9. 9, 10.

2. And that this latter is an Interpretation of the former, will thus appear: The Oath, in giving a Supremacy in all Spiritual or Eccleſiaſtical Cauſes, might ſeem to imply Spiritual Things to be the immediate and proper Object of the Magiſtrates Power, and ſpiritual Perſons, only for this, becauſe they had to do in ſpiritual Matters; and to infer thence, that the Chriſtian Magiſtrate hath Power in ſpiritual Adminiſtrations, as the Word and Sacraments, after the ſame manner as hath the Miniſters of Chriſt, who have Power in theſe Things, as the principal and immediate Object of their Function: Which this Form af Expreſſion in the Admonition doth clearly take away, 1. In aſſerting, that *by the Words of the ſaid Oath, Kings or Queens of this Realm may not challenge Authority and Power of Miniſtry of Divine Offices in the Church.* 2. The mentioning Eccleſiaſtical Perſons, and not Spiritual or Eccleſiaſtical Cauſes at all, implieth, that the Perſons of Biſhops, Presbyters, and ſuch like, are primarily and immediately the Object of this Supreme Power, and the Laws made by it, upon another Conſideration than as Biſhops, &c. namely, as being *born within theſe her Majeſty's Realms and Dominions, and ſuch Perſons, of what Eſtate, either Eccleſiaſtical or Temporal, ſoever they be, She hath the Sovereignty and Rule over them.*

Spiritual and Eccleſiaſtical Things are mentioned in the Oath upon a twofold Account: 1. Becauſe the Civil Magiſtrate's Power and Juriſdiction really extends it ſelf to the Duties of both Tables, and hath to do with Matters and Cauſes, as well as Perſons, that are ſpiritual, (as hereafter we ſhall ſhew)

but, 2. Principally, that a Calling or Employment in Church-Affairs, (whatſoever hath been formerly judged and practiſed) doth no more exempt a Perſon and his Actings, (that is a Subject to the Queen upon any other account) from her Secular Power, than doth a Temporal Calling or Employment in any worldly Affairs.

There is ſomething of Explication further, in the Articles of Religion, concluded in the Year 1562. The 37*th* Article is this:

The 37*th* Article profeſſed in the Church of *England*.

The Queen's Majeſty hath the chief Power in her Realm of England, *and other her Dominions, unto whom the chief Government of all Eſtates of this Realm, whether they be Eccleſiaſtical or Civil, in all Cauſes doth appertain, and is not, nor ought to be ſubject to any Foreign Juriſdiction.*

Where we attribute to the Queen's Majeſty the chief Government, by which Titles we underſtand the Minds of ſome ſlanderous Folks to be offended, we give not to our Prince the miniſtring either of God's Word, or of the Sacraments: The which thing the Injunctions alſo, lately ſet forth by Elizabeth *our Queen, do moſt plainly teſtify: But that only Prerogative, which we ſee to have been given always to all Godly Princes in Holy Scriptures, by God himſelf; that is, that they ſhould rule all Eſtates and Degrees committed to their Charge by God, whether they be Eccleſiaſtical or Temporal, and reſtrain with the Civil Sword the Stubborn, and Evil-doers.*

The Biſhop of Rome *hath no Juriſdiction in this Realm of* England.

It is mentioned in the *Admonition*, that the Queen's Eccleſiaſtical Power is *the ſame that was challenged and uſed by* Henry *the Eighth*, &c. Which is ſuppoſed by ſome, to be the ſame that was in the Pope, the *Perſon* only, and not the *Power* changed; ſo that our Princes are but Secular Popes. This Objection

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was ſtrengthned by the Subtilty of *Gardiner* abroad; and at home, by a Sermon preached at *Paul*'s-Croſs, in the Year 1588, by Dr. *Bancroft*, who calls Queen *Elizabeth* a *petty Pope*, and tells us, her Eccleſiaſtical Authority is the ſame which the Pope had formerly. This *37th* Article removes the Scruple ſufficiently: 1. In aſſerting the Authority given to her Majeſty to be no other but what *we ſee to have been given to all Godly Princes in holy Scriptures*, &c. And for what Power *Henry* the Eighth challenged, it was no new Juriſdiction wreſted from the Pope, but a Power or Prerogative *juſtly and rightfully* belonging to him, claimed and exerciſed by his Predeceſſors ſome hundreds of Years before his Time, being anciently annexed to the Crown. 2. In the latter part of the Article it is alſo evident: For tho a Power in ſpiritual Cauſes be given to a Secular Prince, yet it is not a *ſpiritual Power*, and ſuch a Juriſdiction as the Pope claims, but ſuch a Power only, and in ſuch a way as is put forth and exerciſed in ordinary Civil Affairs; and the ſame, in reſpect both to Eccleſiaſtical and Temporal Perſons, namely, a *reſtraining with the Civil Sword the Stubborn and Evil-doers*. So to reſtrain or coerce, is an Authority or Juriſdiction peculiar to Civil Magiſtrates, and by Chriſt himſelf denied to the higheſt *Eccleſiaſtical Powers*. *Ye know* (ſaith Chriſt) *the Princes of the Gentiles exerciſe Dominion over them; and they that are great, exerciſe Authority upon them: but it ſhall not be ſo among you*, you Apoſtles; and threatens the Uſe of the Sword in ſuch *Perſons*, *Mat.* 26. 52.

Whom *Calvin* terms *Impoſtor ille*, in Am. 7. 13.

26 *Henry* 8. *cap.* 1.

Mat. 20, 25, 26.

King *James* ſpeaking of the Oath of Supremacy; 'In that 'Oath (ſaith he) is contained *only* the King's abſolute Power 'over all Perſons, as well Civil as Eccleſiaſtical, excluding all 'Forcign Powers and Potentates to be Judges within his Do-'minions. In his *Apol. pag.* 76. And more fully afterwards, *pag.* 164. 'It implies (ſaith he) a Power to command Obe-'dience to be given to the Word of God, by reforming Religion 'according to his preſcribed Will, by aſſiſting the ſpiritual 'Power by his temporal Sword, by Reformation of Corruption, 'by procuring due Obedience to the Church, by judging and cutting off all frivolous Queſtions and Schiſms, as *Conſtantine* 'did; and finally, by making a *Decorum* to be obſerved in all 'indifferent Things, for that purpoſe, which is the only Intent 'of our Oath of Supremicy.

My Lord *Coke*, out of 1° *Eliz.* and in the Words of the Statute gives this Interpretation: 'There is (saith he) no 'Jurisdiction by this Act affixed to the Crown, but was of 'Right, or ought to be by the ancient Laws of this Realm, 'parcel of his Jurisdiction, and which lawfully had been, or 'might be exercised within the Realm. The End of which Ju'risdiction, and of all the Proceedings thereupon, is, that all 'Things might be in Causes Ecclesiastical to the pleasure of 'Almighty God, Increase of Vertue, and the Conservation of 'the Peace and Unity of the Realm, as by divers places of the 'Act appears. And therefore by that Act, no pretended Juris'diction exercised within this Realm, being ungodly, or re'pugnant to the ancient Law of the Crown, was, or could be 'restored to the Crown, according to the ancient Right and 'Law of the same. *Coke, de Jure Ecclesiastico, fol.* 8.

Bishop *Bilson*, a great Searcher into the Doctrine of the Supremacy of Kings, gives this as the Sence of the Oath. 'The 'Oath (saith he) expresseth not Kings Duty to God, but 'ours to them: As they must be obeyed, when they join with 'Truth; so must they be endured, when they fall into Error. 'Which Side soever they take, either Obedience to their Wills, 'or Submission to their Swords, is their due by God's Law, and 'that is all which our Oath exacteth. And in a few Lines following, he interprets what is meant by Supremacy. 'We do 'not (saith he) give Princes Power to do what they list, in the 'Matters appertaining to God, and his Service. Indeed we 'say, the Pope may not depose them, nor pull the Crown off 'their Heads. In this only Sence we defend them to be Su'preme, that is, not at liberty to do what they list, without 'regard of Truth or Right, but without Superior on Earth.

Dr. *Morton* against the Pope's Supremacy, out of an Epistle of *Leo* to the Emperor, speaking thus: *You must not be ignorant, that your Princely Power is given unto you, not only in worldly Regiment, but also spiritual. for the Preservation of the Church.* 'As if he had said, not only in Cases Temporal, but also in 'Spiritual, so far as it belongeth to the outward Preservation, 'not to the personal Administration of them. And this is the 'Substance of our English Oath: and further, neither do our 'Kings of *England* challenge, nor Subjects condescend unto. *pag.* 26.

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Mr. *Mason* in his *Vindiciæ Ecclesiæ Anglie*, speaking of *Calvin's* being offended, *verum si intellexisset nihil aliud sibi voluisse hunc Titulum*, &c. 'Calvin would never have disallowed this Oath, 'if he had understood by the Title of supream Governour in 'Ecclesiastical Things, that nothing else had been claimed, but 'an exclusion of Popish Tyranny, and a lawful Power in the 'King over his Subjects; which stands not in coyning new 'Articles of Faith or Forms of Religion, such as were *Jerobo-* 'am's *Calves*; but in defending and propagating that Faith 'and Religion of which God in the Scripture is the undoubted 'Author. In this sence and *no other* that ever we have heard 'of, is the Title of Supream Governour given to, and accepted 'by the King. *Lib.* 3. *c.* 5.

§. 5. This Oath hath matters contained in it, (as you may perceive) that are not of one nature and kind; the Assent and Stipulation required of us, in respect to the several parts of it, is likewise various and different: As our Creed according to the different nature of the Articles, is believed by the different Acts of Faith. To what is contained in the former part of the Oath in these Words; **I do utterly testify and declare in my Conscience, that the King's Highness is the only Supream Gabernour of this Realm**, &c. Herein is required a true, real and cordial Assent to, and Profession of what is mentioned; as also to give this Testimony with such Sincerity of Heart as in the Presence of God. To swear positively to any dogmatical Assertion, is not required; it would be taking the Name of God in vain: for if it be a certain and undoubted Truth in it self and to others; as are Principles in Reason and Articles of Faith; an Oath is vain, for it *ends no Strife*. 2. If doubtful, and a question whether true or not, though such an Oath puts it out of question that I believe so; yet not that it is a Truth. My Belief though ever so much evidenced and confirmed, doth not make a doubtful matter it self more credible; nor is one Man's believing an Assertion any just ground for another Man to believe the same; such an Oath is therefore in vain, it's not a fit *medium* to end such a Controversy. 2. It is further said, **I do utterly renounce and forsake all Foreign Jurisdictions**, &c. This requires not only the Sincerity of my Perswasion and Profession against the Title and Claim of all foraign Powers; Heb. 9.

but

but upon Oath to forſake, that is to abjure (we abjure when we ſwear to quit and forſake.) To forſake a Power or Juriſdiction, is to refuſe, and not to receive, ſubmit, or yield Obedience to any Commands given by it, or make any Appeals or Complaints to it. 3. That which followeth, and wherein the main of this Engagement lieth, is in theſe Words, **I do promiſe that from henceforth I ſhall bear Faith, &c. and to my Power ſhall aſſiſt all Juriſdictions, &c.** Herein is required a *Promiſſary* Oath, ſwearing Allegiance to the King, (as a Loyal Subject) to ſubmit to his Laws, as alſo if there be occaſion; to my Power to aſſiſt and defend him, and all Juriſdictions and Priviledges belonging to him. Though my Perſwaſion be ever ſo right, my Reſolution ever ſo ſincere, at the taking of this Oath; that's not all is required. In an *Aſſertory* Oath, if there be Truth and a right Frame of Heart in time I ſwear, and give my Teſtimony, it ſufficeth: But a *Promiſſory* Oath is not diſcharged by this, that I ſincerely intend what I ſay and promiſe, for I engage to Action, and for the time to come; I muſt not only promiſe, but (if it be lawful and poſſible) I muſt act and do accordingly, *Numb.*30.2. *If a Man ſwear an Oath to bind his Soul with a Bond, he ſhall do according to all that proceedeth out of his Mouth.*

CHAP. II.

What is meant by Perſons and things Spiritual or Eccleſiaſtical; in the proper, as alſo in the vulgar uſe of theſe Terms.

IF this Expreſſion *Spiritual*, be interpreted by the Contradiſtinct Member, *Temporal*, it ſeems to direct us, to underſtand ſuch matters as concern *Eternity*, for that is the true Oppoſite to what is *temporal:* 2 Cor. 4.18. *The things that are ſeen are temporal, and the things that are not ſeen, are eternal:* now in ſtrictneſs of Speech *carnal*, not *temporal*, is the oppoſite Member *to ſpiritual*; *I could not ſpeak unto you as* ſpiritual *Men, but as to* carnal; 1 *Cor.* 3. 1. and 1 *Cor.* 9. *If we have ſown unto you* ſpiritual

ritual *things, is it a great matter if we reap your* carnal *things?* But this is too narrow and ſtrict a Senſe. There are matters *vulgarly* termed Spiritual or Eccleſiaſtical, being ſuch in Name and Title only, having nothing of a ſpiritual Nature in them. Such a Diſtinction of ſpiritual things you have in a Letter written by *Henry* the 8*th* to his Clergy, of the Province of *York*, in the Year 1533, who were offended at his Title of being *Supream Head of the Church*: 'Men (ſaith he) being here themſelves earthly and temporal, cannot be Head and Governour 'to things eternal, nor yet ſpiritual; taking this word Spiritual 'not as in the common Speech *abuſed*, but as it ſignifies *indeed*. By ſpiritual things as abuſed in common Speech, he means what is given to all ſuch Perſons and Cauſes as belong to the Spiritual Court, and are termed by *Civilians*, *cauſæ vel res contentioſæ vel judiciales*, matters of conteſt, *inter partes*, *actorem & reum*, and come to be determined by Sentence of the Judg in thoſe Courts. By thoſe things that are *indeed* ſpiritual, is meant *res extra judiciales*, or *non-contentioſæ*; that is, ſuch things as are determined not in a Judicial, or *Court*-way of Tryal, by Witneſſes, Oaths, Interpleadings, Sentences, and the like; but in a more deliberate and ſynodical way, having the Word of God for Witneſs and Judg; both in reſpect of what we do, and what we may do in things of this Nature. *Cauſes Eccleſiaſtical* (ſaith Dr. *Field*) *are of two ſorts; for ſome are originally and naturally ſuch, and ſome only in that they are referred to the Cognizance of Eccleſiaſtical Perſons, as the probat of the Teſtaments, Matrimony*, &c. Thoſe Spiritual Courts being continued; and the ſame *Cauſes* tried in them as before, when this Juriſdiction was uſurped; the matters that were then, are ſtill vulgarly reputed Spiritual.

Field *of the Church* p. 680.

Emperors receiving the Chriſtian Faith, honoured the learned and godly Biſhops antiently with ſome Juriſdiction, in the caſes of Tythes, Matrimony, Wills and the like; which are termed Eccleſiaſtical or Spiritual; not from their own Nature, but from the *Quality* of the Perſons who were made Judges of them. They being *ſpiritual Men*; the Cauſes come to be called *ſpiritual Cauſes* (after their Names and Quality) that were ſet over them. Theſe Cauſes growing and increaſing in after-times, according as ſpiritual Perſons were able by the Popes aſſiſtance, to riſe from Princes; the managing of them re-

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quire more hands, than thoſe to whom firſt committed, namely the Biſhops, and ſuch as were in holy Orders, they therefore took in for Aſſiſtants, a great number of others, as *Archdeacons*, *Chancellors*, *Commiſſaries*, *Officials*, &c. and theſe are denominated Spiritual from thoſe *Cauſes*, and their *aſſiſtance* of Biſhops in the managing of them: and their Courts, Spiritual Courts.

There are *Perſons* that are truly ſpiritual, *The ſpiritual Man* (ſaith *Paul*) judgeth all things, 1 *Cor.* 2. 14. and *Gal.* 6. 1. *Ye that are ſpiritual*, &c. That is, ſuch as have Grace and Holineſs. He alſo that hath ſpiritual Gifts, and in a Goſpel-Office or Calling, is a ſpiritual Perſon, 1 *Cor.* 14. 37. *a Man of God*, 2 Tim. 3. 17. And there are *Matters* or *Cauſes* that are truly ſpiritual; as *the Law is ſpiritual*, Rom. 7. The Goſpel and preaching of it, is *a ſowing of ſpiritual things*; 1 Cor. 9. the Worſhip and Service of God, and all Gifts and Ordinances of Chriſt, are ſpiritual. Yea whatſoever things natural, or moral, that are helps to the Perſons worſhipping; and by which the Worſhip it ſelf becomes more orderly and to Edification, and in the defect whereof *the Name of God is taken in vain*, and Ordinances of Chriſt become leſs acceptable and effectual: theſe Things and Circumſtances, in ſome ſence may be termed Spiritual or Eccleſiaſtical. Perſons and Cauſes of each ſort, whether *vulgarly* or *properly*, termed Spiritual or Eccleſiaſtical, are ſome way or other under the Magiſtrates Government.

1 Pet. 2. 5.

1 Cor. 12. *and* 14. 12.

The former of theſe, thoſe ſpiritual Perſons and Courts, and Cauſes appertaining to them in the firſt framing of this Oath, were principally (if not only) intended and aimed at, as appeareth in the Statutes before mentioned. And indeed the greateſt Contention between the Pope and our Princes in all time hath been about Eccleſiaſtical Matters of that nature; being then judged of greateſt prejudice in reſpect both to the *Honour* and *Wealth* of this Nation. For, thoſe matters more truly ſpiritual, and nearly relating to God and his Service (the Ignorance of the times was ſuch) his Impoſitions, both in Doctrine and Worſhip (though very ſinful, unſound, and ſuperſtitious) were generally received by Prince and People in this Nation, without reſiſting or complaining.

There can be no queſtion but theſe matters being indeed temporal, properly belong to the Secular Powers. For, for the ſpace of three hundred Years, this Diſtinction was not known

known (ſaith Sir *John Davis*) or heard of in the Chriſtian World; the Cauſes of *Teſtaments*, *Matrimony*, &c. termed Eccleſiaſtical or Spiritual were meerly Civil, and determined by the Civil Laws of the Magiſtrate. *Sir* J. D. *in his Reports, the Caſe of* Premunire.

And for Perſons and Cauſes Spiritual or Eccleſiaſtical, that are properly and *indeed* ſuch, as firſt-Table-Duties, which contain matters of Faith and Holineſs, and what conduceth to the eternal Welfare of Mens Souls; an Intereſt and Duty there is in the Civil Magiſtrate *more ſuo*, to give Commands, and exerciſe lawful Juriſdiction about things of that nature. And for Perſons, there is no Man for his Graces ſo ſpiritual, or in reſpect of his Gifts and Office ſo eminent; but he is under the Government of the Civil Powers in the Place where he lives, as much in all reſpects as any other Subject.

CHAP. III.

1. *Of Power, its riſe and original.* 2. *Two ſorts of Power in Eccleſiaſtical or Spiritual Things.* 3. *Their Agreement, and,* 4. *Difference of the one from the other.*

§. 1. THere is a difference between *Potentia* and *Poteſtas Potentia*, δυνάμις, *Strength, Force, Robuſtneſs.* Such a Power is found not only in Men, particular Perſons, as *Sampſon, Goliah*, &c. but in other inferior Creatures. *Poteſtas* ἐξουσία, *Juriſdiction, Authority*, this is peculiar to rational Creatures, and as they are a Commonalty and in Society one with another. Though Force and Strength as in ſingular Perſons be ſufficient for publick Actions, yet without Authority, we act not lawfully; and having Authority, if we have not Power and Strength ſufficient, we cannot act effectually, therefore joyned together in a King. *Dan.* 2. 37. Job 40. 18.

All Men by Nature are equal; yet, in the firſt forming of Man, a Capacity is found in him, with ſome remote Diſpoſition to rule and obey; as, 1. A Sociableneſs, *let us make Man in our Image*; *Us* and *Our*, a Trinity in One his Creator: Hence in each Man's Conſtitution, a Propenſion and natural bent to

Union. This God himſelf obſerves, *It is not good for Man to be alone*: the Woman is created, not only for a Companion, but that Men and Women might increaſe and be multiplied. 2. Multitudes of Men if not reduced into Subordination and Order, having loſt their original Righteouſneſs, will be a greater Evil than if each were alone by himſelf. One Man will exalt himſelf over others, and according to that *brutiſh Force* and Strength wherein he excelleth, rob, oppreſs, murther and pillage others. 3. Hence a neceſſity of *Republicks* and Commonweals, that ſome Rules and Laws may be provided not only for Direction, but for Correction if need be. 4. Such Laws imply Authority, and a *Supremacy* alſo in it; for ſuch Authority or Juriſdiction of the Legiſlative.

Man conſiſts of Soul and Body. This Principle of Civility or Sociableneſs (whence Authority hath its Original and Riſe) is placed primarily in the Soul. Society and Republicks are for the *moral* Good of Mens Souls therefore, and not to accommodate the Body only. The Powers alſo that are, being
Rom. 13. *ordained of God*, who is *the Father of Spirits*, ought to be managed and directed to Matters wherein our Souls and Spirits are concerned. The Good and Evil for which theſe *Powers* are *ordained* is not limited to the Body or outward Man.

The Power of Parents and Maſters in the Family, it is civil, not ſacred, yet ordained for the bringing up Children and Ser-
Epheſ. 6. 4. vants *in the Nurture of the Lord*.

There being a new Creation in and through the Lord Jeſus Chriſt: Theſe Perſons created of God, *partake of a Divine Nature*, and thence the like Propenſion to Union and a holy Fellowſhip with thoſe whom Chriſt hath redeemed out of the World. Therefore a ſpecial Proviſion is made by the Lord Jeſus for ſuch, to joyn together in particular Societies or Churches, Himſelf being appointed by his Father to be their King and Law-giver, who hath left them Rules and Laws for managing the Affairs of theſe ſpiritual Corporations or *Brotherhoods* (as the Scripture terms them); Power alſo and Authority for putting theſe Laws in execution is given unto Churches. So that there is a twofold Power or Authority, to be exerciſed in Cauſes, and over Perſons Eccleſiaſtical or Spiritual, the one placed in the Princes, the other in the Churches of Chriſt.

1. *The*

1. *The difference betwixt these two Powers.*
2. *The Necessity of the Civil Power in Ecclesiastical Matters, notwithstanding Church-Power.*

§. 2. What is common to both, and wherein each of these Powers differ from the other, shall briefly be shewed.

1. They are *Powers*, both a Subordination or Policy in the Church as well as in the Common-weal, and an ἐξουσία, or Jurisdiction exercised in each. You read of Authority or Jurisdiction not only in Civil Assemblies, as *Rom.* 13. *John* 19. 11. but also in Churches, 2 *Cor.* 10. 8. and 13. 10. the word is ἐξουσία in both places.

2. They are both from God, and the Ordinance of God, and ought to be submitted to *for Conscience sake*, and are for Encouragement to those that are Good, and for Wrath upon him that doth Evil; and he that resisteth this Power in either, *resists the Ordinance of God*, and they that resist receive to themselves Damnation (as the Apostle speaks) as well in respect to the one as the other. And both being from God, they are also both Powers *under God*, that is, under his Designment and Limits, as also his Direction and Guidance; for his Glory, as the ultimate; and the good of Mankind, as the penultimate end of both.

3. This Power of Princes is termed spiritual, *Ratione objecti*, because it hath to do with Spiritual Persons and Causes. In such like a sense and manner of Speech (if it had the stamp of vulgar Use) the Church-Power, may be termed Civil or Temporal; because all sorts of Persons and Causes without Difference are under the Power of it. That as the secular Power is *Custos utriusq; Tabulæ*, matters of Holiness (and what's opposite to it, Blasphemy, Heresy, Perjury, &c.) as well as Righteousness; so Church-Power is *Custos utriusque Tabulæ*, Righteousness and second-Table-Duties, and what is opposite, as Rebellion, Sedition, Lying, Stealing; if any Man that is *called a Brother, be a Fornicator, or a Drunkard, or an Extortioner*, &c. In all these and such Cases the Church-Power is applied in an Ecclesiastical, or Spiritual way; as in a Civil and Secular way the Magistrate deals with what are Duties of the first Table.

The Powers do mutually further each other, and so ordained by God, (from whom they are both originally) as they sweetly

comply and agree (being kept in their juſt Bounds) each with other; as *Moſes* and *Aaron*, *David* and *Nathan*, *Zerubbabel* the Son *Shealtiel*, and *Joſhua* the Son of *Joſedech*. *Jungamus Gladios*, ſaid the Emperor to his Biſhop, let us joyn our Forces and purge the Land of Wickedneſs. And our Senators in Parliament, ſpeak thus of theſe; *Both Authorities and Juriſdictions joyn together, and the one helps the other.*

Stat. 20. Hen 8. c. 12.

§. 3. Their Differences are in theſe Particulars.

1. Though both have (in their reſpective way) to do with both Tables, yet the Civil Magiſtrates Work lyeth moſt over Perſons with reſpect to the Duties of the ſecond Table; as in matters of *Juſtice*, and Righteouſneſs; in the managing whereof, the very being of a Common-wealth principally conſiſts; its wel-being, only as he hath to do in Spiritual or Eccleſiaſtical Cauſes. So the Church-Power is chiefly and principally exerciſed in the ordering of Perſons, with reſpect to the firſt-Table-Duties, and which appertains to *Piety*: Wherein is the Being and conſtant Employment of Churches. The other, that is, matters of Righteouſneſs, Juſtice, Sobriety, and the like, are occaſionally only and *in ordine ad ſpiritualia*, under Church-Power and Cenſures.

2. The Power of Churches is not only ſpiritual *Ratione objecti*, becauſe its over ſpiritual Perſons and Cauſes; but *ex natura rei*, a ſpiritual Power having Spirituality, and its Denomination from more intrinſick Conſiderations, as the Matter, Form, Subject, Rule, End, &c. and not from the Object only, as that other Power; which though it be in ſpiritual things, yet it is not properly ſpiritual Power, the Sword which it bears is not *the Sword of the Spirit*, Epheſ. 6. *which is the Word of God*, and this Word is eternal, not temporal, *it endureth for ever*, the Power and Soveraignty of it is from Chriſt; *out of his Mouth went a ſharp two-edged Sword*: his Sword and Power being ſpiritual, it *pierceth*, runs deep, *Heb.* 4. even *betwixt the Soul and the Spirit*; there comes no ſuch Sword or Law from Civil Authority: that Power in its greateſt Efficacy, reacheth not the Inner-Man, though to be ſubmitted unto for Conſcience ſake. Indeed this Power is over ſpiritual Perſons, but not immediately and directly over their ſpiritual part: By theſe Powers we are given up to a Priſon, to Baniſhment, to Death, but

Rev. 1. 16.

but not to Satan. It is not for cruciating the Souls, and perplexing the Conſciences of Men, as is Church-Power, where there is Cauſe.

3. That of Secular Magiſtrates, even in Spiritual Affairs, and having to do primarily with the outward Man, is more Authoritative; it is *Juriſdictio propriè dicta*, *Legiſlativa*, *Coerciva*, and in all reſpects the ſame as in Civil Matters, what he doth in his own Name. And truly ἀρχιτελώνιαι, Church-Power, is not properly Juriſdiction or Authority, as in the Church, but as in Chriſt, the Head of the Church; as ſeated in the Church, or *Cœtus fidelium*, it is only διακονία, *Miniſterium*, not *Dominium*, and acts all in the Name or Authority of Chriſt.

4. They differ in Extenſion, in reſpect to both Perſons and Cauſes. 1. Church-Power is limited to a particular Congregation, as Family-Power to thoſe of our own Houſhold: But this other Eccleſiaſtical Power, ſeated in the ſame Perſon or Perſons, extends it ſelf throughout a whole Kingdom, yea, ſometimes to more than one. But in ſome one Province or Kingdom, you read in Scripture of many Churches. This cometh to paſs from another Difference between theſe Powers: The Manage of Eccleſiaſtical Affairs, as in Civil Magiſtrates, may be delegated to other hands, by way of Commiſſion or Deputation; they may ordain under them ſubordinate Thrones, and inferior Powers, acting in their Names, which is Lordly, and full of Honour and State: But Churches may not do ſo, by delegation of Power, Repreſentatives, or any other Method or Way, to ſtretch forth the Wing of their Authority (like that of the Civil) over all the Churches of a Nation, or over more Congregations than one, or a greater than ordinarily partake of all other Ordinances together, is not at all ſuitable to a Church-Condition, which is Miniſterial, not Lordly. So Mr. *Bradſhaw*, as the Opinion of the Nonconformiſts: 'We 'confine and bound all Eccleſiaſtical Power within the Limits 'only of one particular Congregation, holding, that the greateſt 'Eccleſiaſtical Power ought not to ſtretch beyond the ſame: 'And that it is an arrogating of Princely Supremacy, for any 'Eccleſiaſtical Perſon or Perſons whatſoever, to take upon them-'ſelves Eccleſiaſtical Juriſdiction over many Churches, much 'more over whole Kingdoms, and Provinces of Churches.

Dr.

Of Supremacy, *pag.* 238.

Dr. *Bilſon* ſpeaks much to this purpoſe: 'Tho (ſaith he) 'Biſhops may be called Governors in reſpect of the Soul, yet 'only Princes be Governors of Realms. Paſtors have Flocks, 'and Biſhops have Dioceſſes; Realms, Dominions, and Coun-'tries none have, but Princes and Magiſtrates. And ſo the Stile, '*Governor of this Realm*, belongeth only to the Prince, and 'not to the Prieſt, and importeth a Publick and Princely Re-'giment. The Common-Wealth (ſaith Mr. *Baxter*) contain-'eth all the People in a whole Nation, or more, as united in one 'Sovereign: But particular Churches have no general Eccleſi-'aſtical Officers, in whom a Nation muſt unite as one Church, 'but are as ſeveral Corporations in one Kingdom, &c. *We ſee* (ſaith Sir *Fr. Bacon*) *in all Laws in the World, Offices of Confidence and Skill cannot be exercised by Delegation, all ſuch Truſt is* perſonal *and inherent, and may not be tranſported and delegated, as that of Kings, which for the moſt part is hereditary, and rather an Office of Intereſt than Confidence.* 2. In reſpect to Cauſes, the Church-Power extends its Cenſures to no Cauſes, but ſuch as the other may, as to Popery, Hereſy, &c. But in many Caſes the Civil Magiſtrate extends his Care and Authority, where Church-Power meddles not: As to Jews and Pagans, and ſuch as are not Members of the Church; ſome things may be done by the Magiſtrate even for theſe, being Members of his Common-Wealth, that may conduce to their ſpiritual Good. The Church-Power is limited, as 1 *Cor.* 5. 12. So likewiſe whether the Crime committed be private or publick, Matter of Scandal, or not, or the Perſon penitent, or otherwiſe, theſe Powers are at liberty to puniſh or pardon alike, and as they ſhall judg it expedient; to be ſevere or merciful accordingly. They may form or reform the Laws and Statutes by which they govern; making the ſame Fault Treaſon in one Age, that in the next not ſo much as Impriſonment. But Church-Power is limited, the ſame Crime, the ſame Puniſhment ever, not being in the Power of this Republick to vary in their Proceſs, in reſpect of leſſer or greater Cenſures, if the Crime be the ſame.

Holy Common-wealth, *pag.* 220.

Conſiderations about Church-Affairs.

1 *Eliz. cap* 1. with 35 *Hen* 8.

5. In their Conſtitution or Tenure: *Licet omnis Poteſtas* (ſaith *Carbo*) *tum Eccleſiaſtica tum Civilis, ſit à Deo, tamen non eodem modo; nam politica licet univerſe ſit jure Divino, in particulari eſt jure Gentium, Eccleſiaſtica omni modo eſt jure divino, & à Deo.* Government in general is of Divine Right, but whether in this

Carbo de Leg. lib. 2. cap. 8.

or

or that particular Form, as in one, or a few repreſenting the reſt, this is humane, and hath its Original from Man. That Power which is termed an *Ordinance of God*, in *Rom.* 13. is called an *Ordinance of Man*, in 1 *Pet.* 2. Church-Power and Government being ſpiritual, hath all particulars for ſubſtance, both in reſpect of Perſons and Adminiſtrations, for matter and manner appointed by Jeſus Chriſt, and in all Nations to be the ſame. Civil Power, even in Eccleſiaſtical Matters, in many things for ſubſtance, is left to the Prudence of the State in which it is exerciſed; and in the Forms of it various, according to the manner of the Nation. As for Inſtance; Inſpection into Religious Aſſemblies, viſiting and obſerving their Demeanour, receiving Complaints by reaſon of Wrongs, Diſorders, *&c.* Theſe things may be done by the Civil Magiſtrate, in his own Perſon, or by Perſons authorized from him; theſe Perſons may be many, or but one in a Diviſion, theſe Diviſions of larger or leſs Compaſs. And for the manner of Procedure, it's various, as Eccleſiaſtical Courts differ in their manner of Proceſs from Civil, or of a Method or Way of handling Cauſes different from each, be eſtabliſhed by Law, it is equally warrantable. There are particular Directions left by Chriſt, according to which the Officers (and Perſons more eſpecially entruſted with this Power) are deſigned to, and inveſted in their Places and Charge, as *Election*, *Ordination*, &c. with Faſting and Prayer. The other Powers are ſetled upon, and claimed in ſuch ways, as the reſpective Law of Nations deſign, as by Birth, Lot, Victory, Donation, or the like, as well as Election; inſomuch as a Woman or Child may have a rightful Claim to this Supreme Truſt, and the Management of it, by themſelves or others, as ſhall be appointed.

CHAP.

CHAP. IV.

§. 1. *Of the Neceſſity and Uſefulneſs of a Juriſdiction over Perſons, and in Cauſes Eccleſiaſtical, beſides what is in Churches.* §. 2. *This Power is placed in Kings, and ſuch as are the Supreme Governors in a Common-Wealth.*

§. 1. FOr the *ſecond*, we ſhall ſhew how neceſſary and uſeful *Civil Power* is, even in Eccleſiaſtical or Spiritual Matters, notwithſtanding the other. It is not to be denied, that Souls were converted, and Churches eſtabliſhed, and kept up, when there was no Aſſiſtance, but rather Oppoſition, from the Princes of the Earth, as in the Apoſtolick and Primitive Times. The Benefit we have now by Chriſtian Mgiſtrates, was then more abundantly ſupplied, (the Infancy of Chriſtianity requiring more) by the Miracles wrought, and the conſtant Direction and Care of Apoſtolick and extraordinary Perſons, who were gifted by *Chriſt* for that purpoſe.

All the ordinary Helps that now we have, by external and more ſenſual or carnal Means, contributing any thing to theſe great Works, is only a pious and *Chriſtian Magiſtracy*, where a Nation is bleſſed with it. The Benefit hereof is much in a ſpiritual reſpect, both to the *World*, as likewiſe to the *Church*.

1. It is (tho remote) a great Help to bring Men out of their natural Condition, unto Life and Salvation. We are exhorted to *pray for Kings, and ſuch as are in Authority*, 1 Tim. 2. The reaſon, v. 4. *For God will have all Men to be ſaved, and to come to the knowledg of the Truth.* As the Knowledg of the Truth is a means to bring a Soul into a ſaving State; ſo is the Magiſtrate (being enlightned himſelf) a great Means to bring us to the knowledg of the Truth. Thoſe Men were in a great Diſtance from God, in a Rage againſt *Chriſt* and Religion, *Pſal.* 2. 1. they did combine againſt the ſtrict Ways of the Goſpel; theſe poor Heathens being, notwithſtanding, given to *Chriſt* by Election, *v.* 8. *David* uſeth a twofold Method for reducing them: The firſt is,

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a repreſenting their wretched and miſerable Condition, while in this State of Enmity, *ver.* 9. Then, 2. deals with their Princes and Rulers, to be forthwith inſtructed, and ſerve the Lord, *i.e.* as Kings and Magiſtrates, in their publick Capacity. But muſt not the People be inſtructed alſo? Such Magiſtrates will ſpeedily provide and take care for their People, that they may be brought to the knowledg of the Truth; and therefore it needs not to be mentioned.

The Magiſtratical Power conduceth to this Work divers ways, 1. By ſetting up and protecting a Goſpel-Miniſtry. He only can ſubſerve Providence, by ſending, or giving way to others to ſend forth fit Perſons, and enforce a Maintenance for their Encouragement in this Work. By ſuch a Word of Providence (it is διὰ ῥήματος) we come to *hear*, and by hearing we believe, *Rom.* 10. 17. He can urge his People to come to the Means, and outwardly conform to the ſame, and ſo bring them to the Knowledg of the Truth, the very Knowledg whereof, tho not ſaving, is a means at leaſt to reſtrain our inbred Corruption, and to work preparatively to Converſion, bringing Men into a Condition *not far from the Kingdom of Heaven*, as Chriſt ſpeaks. 2 Pet. 2. 20.

2. The Civil Magiſtrate hath Power to puniſh and reward, and ſo to work upon the Paſſions of *Fear*, *Deſire*, *Hope*, &c. Man, even in his Natural Eſtate, hath free Will in Moral Actions, if it be excited and drawn forth. The Paſſions are ſo ſeated betwixt the Will and Senſes, that outward and ſenſual Objects work effectually upon it: the Motions of the Will, in this our State of Corruption, depending more upon the viſions of what is ſenſual, than what is a rational Good or Evil. The moſt commanding and ſtirring Paſſion, and with moſt life and vigour, in a natural Man, is Self, or Self-Love; it is the firſt Principle uſually that God excites in us towards Converſion, as in the Parable of the Prodigal, and divers other Scriptures. Sickneſs, Poverty, and the like Occurrence of Providences, (Puniſhments for Sin) being ſanctified by the Lord, work much upon us; ſo Miſeries inflicted upon the more obſtinate, from Magiſtrates (in Juſtice for evil-doing) have the ſame Operation: and by reaſon hereof, groſs Corruptions are kept in and reſtrained, whereby the Habits of Sin decreaſe, and become leſs rank in the Soul. It is a *hedging our Way with Thorns*, as the Prophet ſpeaks. Hoſ. 2. 6.

Hominem etſi timore pœnæ fugiat peccatum, paulatim affectum & animum ad illud amittere, & è contrario concipere odium illius, ideoq; etiam vitare peccatum. Ariag. *de Leg.* Diſp. 13. §. 9.

A great part of the World lies without the Pale of the *Church*, and the ſeverity of its Judicature reacheth them not. This Power is exerciſed only on Church-Members; we have nothing to do to *judg them that are without*, tho they be *Fornicators, or Covetous, or Idolaters, or Drunkards, or Extortioners*; Churches, in reſpect of Cenſures and Puniſhment, leave them to God by the Magiſtrate, or the like Providential way to judg them, *verſ.* 13.

1 Cor. 5. 12, 13.

3. *Impedimenta removendo*; he removes corrupt Teachers, that ſlay Mens Souls, by crying Peace, propheſying of Wine, &c. indulging Sinners in their ſecurity; and ſuch as by Errors and falſe Doctrine poyſon Mens Souls, to their eternal perdition; by reſtaining Stage-Plays, not permitting Brothel-Houſes, and the like Fomenters of Sin.

Mich. 2. 11.

Now there is no means or proviſion ſo certain, and generally effectual to ſend out Preachers, to urge and conſtrain Men to hear, and for all theſe purpoſes, as this, when the Magiſtrate, according to his Truſt and Duty, puts forth his Authority in theſe Matters; or that will ſo univerſally, as an external means, ſtir that Principle of Self-love in all Men, to the ſeeking after what is good, and the ſhunning of what is evil. A *Coercive* Power of this Nature is placed in no other hand but his. Miniſters may preach and perſuade, but muſt be *no Strikers*, may not externally afflict and conſtrain; *Peter* may not uſe his Sword in Chriſt's Quarrel. God only, and the Civil Magiſtrate, further our Happineſs, by making us miſerable.

1 Tim. 3. 3. Mat. 10.

Paul, who had as much Power as any Man of that Order, yet his Weapons were only ſpiritual; and tho an Apoſtle, yet could not do ſo much as the meaneſt Civil Magiſtrate in ſuch a Coercive way: for their Weapons will, whether Men incline or not, have an operation, and conſtant effect, leſs or more, to whomſoever applied. This Power therefore of the Civil Magiſtrate cannot well be wanted; or if it be, there is no ordinary means to be had for a ſupply in the room of it. *When there was no King in* Iſrael, *every Man did what was right in his own Eyes*, followed the Ways his Luſts led him to. Suppoſe there be good Counſel and Inſtruction, yet to many Perſons it ſignifieth little; for ſome Men are not corrigible by Words, *Prov.* 29. 19. The *Fooliſhneſs* that is *bound up in our Hearts, muſt by Correction be driven far from us.* Prov. 22. 15.

Judg. 17. 6.

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4. I shall conclude, adding in the last place, the *Praise of Well-doing*. The Countenance and Encouragement of the Magistrate to those that preach, and those that obey the Gospel of our Lord Jesus Christ, renders it even to a carnal Heart desirable. The Lord gives this honour to a poor *Servant*, faithful in his place, that he *adorns the Gospel*, and renders it more acceptable and effectual. So likewise the *Conversation of a Wife*, that those *who obey not the Word*, are *without the Word* won by such a Conversation; that is, won to the Love of the Word, and the liking of those Ways that are according to the Word. Much greater is that Honour and Ornament which comes to the Gospel, when the Magistrate, not only by his Conversation, and personal Example, but by his Laws and Authority, sets himself to encourage all he can, the Preachers and Professors thereof, bearing them up against Despisers and Scoffers. Rom. 13. Tit. 2. 10. 1 Pet. 3. 1.

2. In respect to the Church, and such as are effectually call'd out of the World; God hath promised, and in the Scripture much comforted his People in this, that they shall have great benefit by the Civil Magistrates that are over them: as *Isa.* 32. 2. & *chap.* 49. 23. & *chap.* 60. 16. These Promises relate to Gospel-times. And those Places, *Numb.* 27. 16. and 1 *Tim.* 2. are equivalent to Promises: a *Prayer* is as it were a *Promise* reversed; what is spoken by the Lord in a Promise, being returned, is the strength and confidence of a Prayer. Encouragements also to obey Precepts, imply Promises; so that of *Rom.* 13. and 1 *Pet.* 2. our Subjection is required upon this consideration, that Kings are for *the praise of them that do well*, Rom. 13. *ordained of God to thee* (to the Church, and to every Saint) *for good*. The Lord in this doth not only promise, but as it were undertake for the Magistrate, that he shall be such an one, as those that are pious and righteous, those that do well, need not dread or fear to be under him. A good Magistrate is a Blessing, and matter of joy and rejoycing to the People of God, *Prov.* 29. 2. *Eccles.* 10. 17. a great Fruit and Evidence of his Love to them, 1 *King.* 10. 9. and 2 *Chron.* 2. 11. *Because the Lord hath loved his People, he hath made thee King over them*; it is so spoken of *Solomon*. *To the Church.*

The Benefit and Good to the Churches and Saints from the Civil Magistrate, may more particularly be judged of in these Considerations.

1. Kings and Princes are an Ordinance of God, or *Medium* by which, in a more ſpecial and peculiar way, he communicates his Power, Wiſdom and Juſtice for the governing of all Societies of Men. 1 *Kings* 3. 28. *All* Iſrael *feared the King, for they ſaw that the Wiſdom of God was in him, to do Judgment.* So the Power and Juſtice, and the like Attributes of God become viſible in this Ordinance of God. See *Eccleſ.* 8. 2. *Numb.* 27. 20. *Prov.* 16. 10. and 21. 1. It is brought as an Argument to Magiſtrates againſt Partiality and Bribery; 2 *Chron.* 19. 7. *There is no Iniquity with the Lord our God, nor reſpects of Perſons, nor taking of Gifts.* What is, or is not in God, ſhould be, or not be found in him that is a Magiſtrate. They are therefore termed *Gods*; becauſe a viſible Repreſentation of God's Attributes, is, or ought to be in their Governing. And as Chriſt is ſaid to be preſent with thoſe Officers in the Church which he hath appointed, becauſe there is a ſpecial Virtue and Efficacy of Chriſt manifeſt in their Miniſtry: So in this great Ordinance of a Magiſtrate, there is ſaid to be a ſpecial *Preſence* of God with him, 2 *Chron.* 19. 6. From the like Manifeſtation of God, in his Wiſdom, Power, Goodneſs, &c. for the Welfare of Societies.

There is ſuch a Harmony and Neighbourhood between the outward and inward Man, that what works upon the one, affects the other. When therefore the Miniſtry by Chriſt's preſence works upon a Man's Soul, the Man is of a better Behaviour outwardly, and to Civil Relations: So alſo being brought into outward Subjection and *Conformity*, (by Magiſtracy) the Mind and ſpiritual part is much the more fitted for *Chriſtian Communion.* Moral Vertues, yea, Civilities are much preſſed upon Church-Members every where in the Epiſtles, as to be *kind, courteous, humble, ſubmiſs, ſelf-denying.* *Paul* ſpends a whole Chapter in Greetings and Salutes. Men and Women that are *moroſe, ſelfiſh, ſtiff, opinionative, ill-bred,* ſuch for the moſt part are burthenſom in all, and as much in theſe ſpiritual Societies as in any other.

Rom. 16.

2. For Protection, Church-Power neither judgeth or reſtraineth *them that are without*; it is no Fence nor Security againſt the World. The only Hedg about this Vineyard, under God, is the Sword of the Civil Magiſtrate. Saints and Churches, being called and ſeparated out of the World, are hated by the World, and ſuch a Seed of Enmity in them againſt the Members of Chriſt,

Christ; as if there were no higher Power to restrain, being the far greater number, they would utterly root us out.

The *Church* for Weakness and Helplessness is resembled by a *Nurse-Child*, or Infant, which needs the Care of those who have more Strength. This religious Care and Tenderness, is, or ought to be in the Magistrate, who is termed a *Nurse*. The Prophet in this Promise hath an Eye to Gospel-Times, and Churches called together amongst the Gentiles. In an Age when there would be no Prophets or Apostles, or *Signs*, or *Wonders*, or *mighty Deeds* wrought in the behalf of the Church, as was in the Jewish Oeconomy, and first Age of Christians. It's promised that Kings and Princes (either by a common or saving Change) shall become nursing Fathers, nourishing and protecting Christ's feeble Orphant the Church. And where the Magistrate is such, we ought to pray that all may be such; we have the Liberty under them (notwithstanding the World's Enmity) to lead a *quiet* and *peaceable* Life, and this not only in *Honesty*, but in all *Godliness*.

Isa. 9. 16.

2 Cor. 12. 12.

1 Sam. 10. 6, 9.

1 Kings 4. 29.

1 Kings 4. 25.

3. The Judgments of God, Sword of the Magistrate, and the like external Administrations are helpful to the best of Men, who are liable, while a Body of Sin, to as foul external Acts of Sin, as the worst of Men. The spiritual part in us by these means, helps it self much (in an hour of Temptation especially) against the Flesh, over-ballancing the Pleasures of Sin, from that Shame and Grief Sin brings with it; so that *Self-love*, or a higher Principle is hereby strengthened to avert us. Servile Fear (evil only in defect) is good and useful to the best of us, while in a mixed Condition, and not perfect in our Love to God. *Job* was eminently *godly* and *righteous*, yet in both much furthered from the Consideration of Wrath and Judgment. *If I have seen* (saith he) *any perish for want of Cloathing; If I have lift up my Hand against the Fatherless*, &c. *ver.* 23. *For* Destruction *from God was a Terror to me.* The Magistrates Ecclesiastical Power had the like effect to restrain *Impiety* in him, as *vers.* 26, 27, 28. *If I beheld the Sun, and my Heart hath been secretly enticed, or my Mouth hath kissed my Hand: this were an Iniquity to be punished by the Judg.* The Apostle *Paul* though *constrained by Love*, vers. 14. Such was his Affection to Christ, yet moved also to Duty from the Consideration of *Judgment* and *Terror*, 2 Cor. 10. 11.

Job 31. 19, 21, with 23.

If

If it be thus with the best of the Saints, much more will Churches stand in need of such an external Help against Corruptions: There being not only a mixture of Flesh and Spirit, in those that are Members *indeed*; but a mixture with them of Hypocrites, and such as are Members only *in shew*.

1 Cor. 5. 1 Cor. 11. We find in the Churches planted by the Apostles, a use not only of Spiritual Censures, but also outward and bodily Afflictions, *Sickness*, *Weakness*, &c. for Church-Miscarriages; and it's said to be *for the Salvation of their Souls*, Chap. 5. ver. 5. with *Chap.* 11. *ver.* 32. So that Severity of the Lord on *Ananias* and *Saphira*, was for a Church-Fault, and it's said *Vers.* 11. *Great Fear came upon all the Church.* It was an eminent Church, before whom *Paul* shakes the Magistrate's Sword, and tells them, if they do that which is evil, they have cause to be afraid, *for he beareth not the Sword in vain.* Rom 13.

Afflictions that are from a more immediate Hand of God, either in an ordinary or an extraordinary way, those also that the Lord chastiseth us with by the Hand of the Magistrate, I difference not, each being to the same purpose, and as an external Discipline. For where there are no Magistrates, or negligent ones, God in a providential way, and more immediately judgeth and afflicts Evil-doers; even as where Church-Discipline is wanting or neglected, God himself *excommunicates* as it were, and gives Men up to Terror and Anguish of Soul, for their evil Deeds.

If we should draw in here Instances from the Jewish Church, and how the Lord disciplined them by the Civil Magistrate, and afflicting the outward Man, there can be nothing more evident than this, an undoubted Usefulness of such Dispensations, even to the Churches of Christ.

2 Chron. 8 14. And although it should not be a good reasoning, to argue from what Power the Princes of *Israel* exercised in respect of its *Extent* in Particulars; many of them being *Prophets* as well as Princes; yet the Benefit and Usefulness of such Power may be the same unto *us* as unto *them*, both in respect of Terror to *Evil-Doers*, and Praise to them that *do well*. Though an Argument from *Circumcision* applied to Infants, will not weigh with some, because they deny *Baptism* to be a Sacrament of that Nature: Yet this cannot be denied by them, that if an *Infant* be capable of Benefit by an Ordinance it understands not;

Infants

Infants may as lawfully in that respect be *baptised* while Infants, as they were then *circumcised*. The Arguments brought from Ecclesiastical Power exercised by Magistrates in the Jewish Government, will argue at least that there is a *Capacity* in Men *now* to receive Benefit and Good thereby (even in spiritual Matters) as they did then; which is all that is aimed at.

4. As it is the Duty of each Person, so of Churches *to walk wisely towards them that are without*, that their *Order* may be looked upon, not only with *Rejoycing* by Neighbour-Churches, but such as may appear *amiable* and *comely* in the Eyes of all Men. There are many things common to all Societies, which Nature and civil Customs instruct us in, and are especially to be heeded by Churches. For as the things *Moral* and *Lovely* in the Eyes of Men, being neglected by *Professors*, the Gospel will suffer, so much more if by *Churches*. The outward *Beauty* of these Christian Assemblies, consists very much in what is requisite and comely in all human Societies; as Unity, Love, Peace, brotherly Forbearance, *&c. Let all things*, saith the Apostle, *be done without murmuring or disputing*. *Paul* charged the Church of *Corinth* with this, that there were *Debates*, *Envyings*, *Wrath*, *Strifes*, *Back-bitings*, *Whisperings*, *Swellings*, *Tumults*, and the like amongst them. There may be Wrongs and Oppressions in Churches, as in other Assemblies. Innocent Persons impeached and censured as *Schismatiks*, *Seditious*, and Disturbers of the Peace; and no Remedy but from the Civil Magistrate. *Paul* appeals from the Church to *Cæsar*, a Secular Prince, expecting from him, though a Heathen, more *Justice*, then from his Brethren, being Parties, and in their own Cause. For where Parties are Judges, the Sentence is passed before the Cause is heard. As a Church may be *offended*, so they may, and oft-times do *give Offence* as well as single Persons. It's part of a Christian Magistrate's Care, and as a *Magistrate*, to punish open Offenders, whether single Persons or Assemblies. And the Truth is, if such Assemblies, that is, Churches, be not under the Magistrates Jurisdiction, they are under none, and will be at a loss in respect of all those Advantages before mentioned.

Col 2.

Phil. 2.

2 Cor. 12. 20.

1 Cor. 10. 32.

The *Usefulness* of this Power being declared so fully, it will not be difficult to evince the *Necessity* of it, that is, to the well-being of Churches. For whatsoever thing is useful in Spiritual Affairs

Affairs, is in the ſame degree neceſſary. *Largum thus:*

If the *Ruling* and *Coercive* Power in a Church extends it ſelf no further than its own Members; if one particular Church cannot *ſuſpend*, *excommunicate*, or exerciſe any the like Juriſdiction over another; it will then follow, whatſoever benefit or advantage Churches, or their Members, are ſuppoſed to have and reap, by being under any *external* Ruling Power here on Earth; this may, and ought to be expected from the Magiſtrates Eccleſiaſtical Power and no other: His being the only Power that is of ſuch an Extenſion and Compaſs, as to be over all Perſons and Societies within his Dominion,

For the further *Explication* and *Confirming* of what is aſſerted, I ſhall lay down ſome Conſiderations, and then anſwer Objections. Purpoſely enlarging upon this Argument, as tending much to a diſtinct underſtanding of Eccleſiaſtical Juriſdiction, both as it is in *Church* and *Magiſtrate*.

The Conſiderations are theſe.

1. *Conſid.* There is no Power or Authority either in Church or Magiſtrate that doth *directly* and *immediately* compel or enforce the *Soul*. Pains, Penalties, Reſtraints, bodily Puniſhments; or what comes nearer, and is more ſpiritual, as Admonition, Suſpenſion, Excommunication, or the like. When Perſons in any of theſe ways are judged and cenſured, by the Church or Magiſtrate, or both; it hath its Fruit and effect in reſpect of Morals, only in a more remote and *circular* way, as by working upon the Judgment and Affections; for there is no created Power can reach the Soul, to put upon it any *immediate* Force or Reſtraint, further than by applying ſuch means (diſcovered by the Scripture or Light of Reaſon) as are apt and ſutable to ſet the Soul and Conſcience of a Man, to work upon it ſelf.

We term it *Coercive*, in difference from what is only *directive* and *perſwaſive*; for according as the Lord hath appointed means to this or that end, accordingly he works, and ſo we ought to judg and ſpeak. Now beſides means appointed for *Inſtruction* and *Perſwaſion*, God alſo hath added *Diſcipline*; a means morally coercive, which hath Pain and Shame, it's a Puniſhment ἐπαιμία, *and for the Deſtruction of the Fleſh*, therefore a means morally *Compulſive*, and more than meerly perſwaſive, the *Rod* and

and Reproof is more than a single Reproof, it is a *Correction* which is *compulsive*; *a Servant will not be corrected with Words.* To make *all* but *directive*, is to confound the *Keys*. The Reverend Author should not judg or speak of an Ordinance according to the *Reception* of a carnal Heart, but according to what is *designed* by the Lord, as his ordinary Drift and Scope in such an Appointment. There is the Word *read*, Gospel *preached*, and visible *Seals*; we are to judg a greater and more effectual Exhibition of Christ in the one, than in the other, yet all alike to a carnal and unbelieving Soul.

1 Cor. 4 21. Prov. 29. 15. Prov. 29. 19. Mr. B. *in his first Dispute*, p. 6.

2. There are two great and Catholick *Bodies*, or Kingdoms, *immediately* and *invisibly* governed by the Lord and his Christ; The *World* and the *Church*, made up each of lesser Corporations, as *Cities*, *Families*, particular *Churches*, &c. I say, *invisibly* and *immediately*: for, as God is invisible, so what he acts immediately, he acts invisibly. As the Church is distinguished into visible and invisible, so is the Power by which it is governed. *Invisible* as in a secret and mysterious way, and immediately from the Lord: And thus are all Kingdoms, Nations, Tongues and Languages united as in one, even the great bulk of Mankind; as also the Catholick Church, that great Body of Saints, they are all thus governed by the Lord, and by the Lord alone, and not by Man. *Visible*, as where these great Bodies of Men and Christians, come to be cantoned, parcelled, and formed into Political Bodies, governed by Men, in an *external* and *visible* way.

2. *Consid.* Whit. *Tract* 3. c. 6. p. 181.

These visible Bodies are either greater and *containing*, as Empires, Kingdoms, Provinces, *&c.* Or those that are less, and *contained*, as Cities, Colledges, Parishes, Families, and the like, whether they be Civil or Ecclesiastical. These lesser, though they have the Compleatness of a *Body* or Corporation, each in its kind, and sufficient Power to govern it *self*; yet not to govern one *another*. A Church hath not Authority to govern a Church, nor a Family, or the chief in it to govern a Neighbour-Family. The Light in the least *Star* is sufficient for it self, but not to rule the Day or the Night, as the *Sun* and *Moon*.

These *lesser* Bodies are therefore so composed in their several Regiments; that many of them together, may lie in the Bosom of a greater Corporation; and it will be for their bet-

ter and more comfortable subsisting and Government.

There is no *external Coercive*, or ruling Power that falls in, and fills up the space betwixt those great and Catholick Bodies the *World* and *the Church*, and those lesser and lowest Regiments and Societies, but what is, or ought to be expected by or from the Civil Magistrate, who is to be acknowledged of his Subjects, whether Ecclesiastical or Civil *under* God to be *over* all.

3. *Consid.* 3. These lesser Societies therefore ordinarily are found under a twofold Regiment or Discipline. The one intrinsecal and *peculiar*, which in Families is received from the Light of *Nature*, and from the Light of *Institution* in Churches. The other more *General* and *Common*: And these lesser Bodies come under it by reason of their *Situation*, being within the Confines of such a Republick, they are under the Jurisdiction of the Princes thereof. *Each Prince*, saith *Mason*, hath Power *in subditos suos ac proinde in Ecclesiam modo subditi suas Ecclesiæ.* If situated where there is no formed Common-wealth, King, or Supream Power over them, they are as a Free-State, each Family, City, and Church, immediately under God and Christ, and no other Power but what it hath in it self; which being a Power not derived from the Magistrate, but peculiar to a Family or Church, remains in them, though no Magistrate. Such was the Family and Church-state in the time of the *Patriarchs* for two thousand Years.

De Episc. lib. 3. c. 5.

Consid. 4. As it is a Happiness to a People that live in Empires and Kingdoms, that these are parcels of that World which hath the righteous God to govern it, who is *the King of Kings, and Lord of Lords.* So is it likewise to these lesser Bodies, a Family, or a Church, that they are situated under the Wing of a Christian, and well-governed Common-wealth. Where their Governours may be under some Government, and in Wrongs and Disorders, they may have the Benefit of a Magistrate's Authority to appeal unto.

2 Kings 19. 15.

CHAP.

CHAP. V.

1. *The first Objection answered.* 2. *The Government of a particular Church, hath Affinity with that of lesser Bodies, more than with the Government of Empires and Kingdoms.*

Object.

§. 1. IT may be objected, that Churches are spiritual Corporations, and of a more peculiar Consideration, in respect of their Government; and therefore not to be reckoned with Civil, at least not with Families, or such mean and low Societies.

Answ. Policy or Government in it self, and all the sorts of it, is from the Light of Nature, and common Reason. And this is generally supposed by all, that tho the Subject Matter, or Persons governed, be of different kinds; yet the Law and Forms of Government may be the same where so appointed by Christ. And I rather insist on such a way of Discourse and Reasoning, as most suitable to the Subject I am upon, but especially because Subordination of Churches to Churches is argued from the Light of Nature, and in this very Case, termed by our Brethren a Divine Topick. Now if we may argue and guide our selves in Church-Affairs by the Light that shineth forth (from the natural Wisdom and Prudence of Man) in the Government and managing of Kingdoms; there is as much a *Jus Divinum*, and ground of reasoning from the Light that appears in the prudent Constitution and Government of any other civil Society.

I have mentioned in the Considerations, *Cities*, *Families*, and those lesser, and *contained* (as I term them) Societies or Corporations with particulars Churches: Because I humbly conceive the Policy and Government of each (tho in other things different) to be more proportionable, and of greater Similitude in many things, then between particular Churches, and those greater, and *containing* Bodies, Kingdoms, Empires, or the like. Churches thus humbly constituted and governed, are most consistent with Civil Magistracy, of what Form soever the Common-wealth shall be.

In Confirmation of this Agreement or Similitude, I shall take for the most part the Concessions of the learned of each Perswasion. The Instances or Particulars are these.

§. 2. 1. Families tho contained under the National Government where they are ſituated, yet are intruſted with a ruling and governing Power compleat and ſufficient each in and for it ſelf; ſo are particular Churches.

1. *They are intruſted with a Government each for it ſelf.*

Perk. on Rev. 2.20.

It is not *ſufficient* (ſaith Mr. *Perkins*) *for a Church to have the preaching of the Word, but Church-Government. This Church* (ſpeaking of *Thyatira*) *is blamed becauſe ſhe did not uſe the Authority God had given her.* There is given to the Miniſters of each particular Congregation, according to Epiſcopal Ordination eſtabliſhed by our Law, not only a Power to preach, &c. [*Take Authority to preach the Word of God*] but they are made *Rectors*, Governours in thoſe particular Churches, and it's ſaid to them, [*Whoſe Sins thou doſt remit, they are remitted; and whoſe Sins thou doſt retain, they are retained*] by which Words the Key's of Diſcipline are given them; ſee *Bilſon* Perpet. Govern. *p.* 213.

Reduct. of Epiſc. p. 2.

'By Order of the Church of *England* (ſaith Biſhop *Uſher*) all 'Presbyters are charged to *adminiſter the Doctrine and Sacraments, and the Diſcipline of Chriſt as the Lord hath commanded, and as this Realm hath received the ſame.* And that they might the better underſtand what the Lord hath commanded therein, the 'Exhortation of St. *Paul* to the Elders of the Church of *Epheſus* 'is appointed to be read unto them at the time of their Ordi- 'nation: *Take heed to your ſelves, and to all the Flock among whom 'the Holy Ghoſt hath made you Overſeers, to* * *rule the Congregati- 'on of God, which he hath purchaſed with his Blood.*

* voluntarily ſo taken in Mat. 2.6. and Rev. 12.5. and 19. 15.

'Mr. *Hooker* tells us that for Preſervation of Chriſtianity there 'is not any thing more needful than that ſuch as are of the vi- 'ſible Church have mutual Fellowſhip and Society one with a- 'nother. In which Conſideration the Catholick Church is divi- 'ded into a number of diſtinct Societies, every of which is termed 'a Church within it ſelf, not an Aſſembly, but a Society, ——A 'Church (as we are now to underſtand it) is a Society, that is, 'a number of Men belonging to ſome Chriſtian-Fellowſhip, the 'Place and Limits whereof are certain, having communion in the 'publick Exerciſe of ſuch Duties as are mentioned, *Acts* 2. 47. 'As thoſe of the Myſtical Church by their inward Graces differ 'from all others which are not of the Body, and thoſe that are 'of the viſible Body of the Church, have the Notes of external 'Profeſſion. Even ſo theſe ſeveral Societies, or Churches, have

Hoo. Eccl. Pol. lib. 3. Sect. 1.

'*Properties*

'*Properties* belonging to them, as they are publick Christian 'Societies. And of such Properties, it may not be denied that 'one of the very *chiefest* is *Ecclesiastical Policy*. We use the name 'of Policy rather than Government, because Church-Policy 'containeth both Government, and also whatsoever besides be-'longeth to the ordering of the publick Affairs of the Church 'of God. In which words he asserts not each particular Church to have Government in it self; but this Government as a Property, or Propriety, by which it's distinguished from the *Mystical*, as also the *Catholick* visible Church. So that he doth not, as some of late, make the Catholick visible Church the first Subject of the Keys; but each particular Society, or Church, supposing that great Body of Christians to be only and immediately under the Spiritual Government of Christ Jesus.

2. *Compleat and sufficient.*

It is not to be understood of such a perfection, as may not with much advantage receive help both from the Power of the Magistrate, as I have shewed before, as also from the Counsel and Advice of other Churches: But I mean an essential Compleatness or Sufficiency, not being deficient in any material requisite for Government. This that learned Author expresseth in those last Words: '*We use the Word* Policy, (saith he) *rather than Government, because Church-Policy containeth both Government, and also whatever besides belongeth to the ordering of the Affairs of the Church of God. Every particular Church*, (saith Mr. *Cartwright*) *having an Eldership, is a Catholick Church of Christ, under whom Pastors, Doctors, and Elders are the ministerial and immediate Governors.* In which Words he intimateth a Compleatness in each particular Church for Government and Privileges, as much as if the Catholick visible Church were Organical, and a governing Church. 'The Power of Jurisdiction (saith one) is as 'perfect and compleat in one single Congregation, as in a Pro-'vincial, as in a National, yea, as in the Catholick visible Body. *All Things are yours*, saith *Paul* to a particular Church, 2 *Cor.* 3. To this purpose Mr. *Parker*; *Sient non pars*, &c. *As a particular Church is not a maimed or half, but a whole and perfect Body; so is it possessed with the whole and entire Church-Government, and not with a part only.*

Against *Whitgift*, lib 3. pag. 147.

Rutherf. Due Right of Presbyt. *pag.* 307.

Parker's *Polit. lib* 3. *cap.* 13.

This *Oeconomick* and Domestick Power is intrinsick and essential to a Family, and is a Power derived immediatly from the

2d *Instance.*

Lord

Lord, by the Light of Nature, and hath not its original from any Power on Earth, Families being much more ancient than Common-Wealths: So Government or Discipline is intrinsick and inseparable from the very Essence of a Church, received immediately from Christ, and not the Grant or Constitution of any Secular Prince or State. *Churches are endued* (saith Dr. *Jackson*) *with a Judicature immediately derived from* Christ, *and independent upon any Earthly Power, or any Power whatsoever on Earth, whether Spiritual or Temporal.* Bishop *Bilson* expresseth it thus: *The Things comprised in the Church, and by God himself commanded to the Church,* (these Things are specified in *pag.* 227. to be the *Word, Sacraments,* and *Use of the Keys,* or *Ecclesiastical Power,* and *Cure of Souls*) *are subject to no mortal Creature, Pope, nor Prince.* And those of another Persuasion, are to the same purpose. 'The Church (saith Mr. *Rutherford*) hath the Keys from 'Christ, equally *independent* upon any mortal Man, in Discipline 'as in Doctrine. A Power and Right to Discipline, saith the 'same Author, is a Property essential to a Church, and is not 'removed from it, till God remove the Candlestick, and the 'Church cease to be a visible Church. *Potestas ipsa de jure,* &c. *Power* (saith Dr. *Ames*) *is so much the Right of a Church, as it cannot be separated, because necessary, and immediatly floweth even from the Essence of each true Church.* There are Authorities enow to be produced from the Writings of the Learned, for the confirmation of this particular. All grant there is a Government *jure divino,* (I speak not of this or that Form) and by the appointment of Jesus Christ. It is denied by none but *Erastus,* and those that follow him, who may as well deny Praying, Preaching, or Sacraments *jure divino.* It is as expressly ordained, that Discipline be exercised in the Name of Christ, as to preach, pray, or baptize in his Name. There are certainly *Things of God,* that are not the *Things of Cæsar:* And if those Things upon which Christ hath put his Name, be not peculiarly his, I know not where we shall find the Joint. As we say, there were Families, so particular Churches, before any Commonwealths were, and Christian Churches and Discipline exercised, many Years before any Emperors or Kings were Christian: And therefore as Families have many Privileges so peculiar, and by the Law of Nature so much theirs, as are never touched or infringed by the Supreme Power of any Nation: So likewise it is with Churches, they

Jackson of the Church, *cap.* 8. § 5.

Bilson of Suprem. p. 171.

Peaceable Plea, p. 300.

Due Right of Presbyt. *cap.* 9. §. 9.

Cas. con. lib 4. cap. 24. p. 4.

they have very many Privileges so evidently theirs, from the Law of Christ, and their spiritual Constitution, as Christian Magistrates will do their utmost to preserve and cherish, and not in the least infringe. It is a part of *Magna Charta*: *Concessimus Deo, & hac presenti Charta confirmavimus, pro nobis & Hæredibus nostris in perpetuum, quod Ecclesia Anglicana libera sit, & habeat omnia jura sua integra, & Libertates suas illæsas.* And it is mentioned in the Oath our Kings take at their Coronation, that *He shall keep and maintain the Lawful Rights and Liberties of the Holy Church.* 3 *Hen.* 3. *cap.* 1.

A third Particular, or Instance of what we have supposed in the former *Considerations*, is this: The lesser *Corporations*, *Cities*, *Families*, and the like, have not Authority or Jurisdiction one over another. It is the same with *Churches*, each having the Fountain and Original of their own Power (as before is shewed) immediately proceeding from Christ in themselves, and not elsewhere, or one from another; cannot by any Art or Device of Man be made to rise up above it self, as it doth, if one Church exerciseth a Power or Jurisdiction over another. There is no Invention of Man, that by contriving Pipes, or any other Artifice, can make Water freely and naturally run higher than the Spring-Head. Tho that Jurisdiction which hath its rise in a particular Church, be pumped up into a *Classis* or Synod, it is but the same it was before. *Synods*, saith *Parker* out of *Chamier*, *nullam habeant Authoritatem, &c. They have no Authority but what is derived from particular Churches.* So *Voetius*. 3 *Instance.* *Polit Lib.* 3. *cap.* 13 § 9. *Disp de Polit. Eccles.* p. 5.

There seems to be a great Emphasis in those Particles of Propriety, *Children obey your Parents*, γονεῦσιν ὑμῶν, to to Servants: And speaking of the Relation of Husbands and Wives, by which is set forth our Obedience to Christ and his Officers, it is more appropriate, *Ephes.* 5. 24. *As the Church is subject to Christ, so let the Wives be to their own Husbands*; it is, τοῖς ἰδίοις ἀνδράσιν, *propriis viris*, not only *theirs*, but *their own Husbands*. It is said, 1 *Tim.* 3. 4. *One that ruleth well his own House*, τοῦ ἰδίου οἴκου. So of Ministers, *Know them that labour among you*, ἐν ὑμῖν, *and are over you in the Lord*, 1 Thess. 5. 12. and in *Heb.* 13. 17. it is ἡγουμένοις ὑμῶν, *Duces vestri*, your Captains, Officers in Churches, being as exactly limited, as in an Army. There is no Power in a Superior to command, where no Obligation upon the Inferior to obey. And therefore the Lord seems by these Expressions, Ephes. 6. 1.

to

to limit both Church and Family-Power within their own Walls.

This is the Judgment of the Learned of each Perſuaſion. Biſhop *Davenant. Nota of Juriſconſultorum regula, &c.* It is a 'known Rule of Lawyers, A Sentence given by him that is not 'his Judg, is void in Law. But particular Churches are not the 'Judges of private Perſons that are of other Churches, how 'much leſs then over the Churches themſelves; ſuch Sentences 'were to be ſlighted and contemned, as of a Judg that preſumeth 'to make Laws out of the bounds of his own Juriſdiction. *Nec poteſt, nec debet* (ſaith the ſame Author elſewhere) *particularis una Eccleſia judiciaria authoritate aliam ſibi non ſubjectam a Catholica abſcindere, quælibet enim Eccleſia filios ſuos ad conſenſionem in Doctrina publicè ſtabilita cenſuris adigit. Sed fratres Eccleſiarum externarum monet pro officio charitatis, non punit pro imperio poteſtatis.* Dr. *Field*, as a common Reſolution of Divines, tells us, *That if a Biſhop ventures to do any Act of Juriſdiction out of his own Dioceſs*, (that is, his particular Church, ſo *cap.* 30.) *as to excommunicate or abſolve, or the like, all ſuch Acts are utterly void, and of no force.* The ſame thing, ſaith Dr. *Grakanthorp, cont. Spal. cap.* 28. *pag.* 177. 'Every Congregation (ſay our Brethren) hath equal 'Power one as much as another, according to the trite and 'known Axiom, *Par in parem non habet imperium*, An Equal hath 'no Power over an Equal. *Eccleſiæ inſtitutæ parochiales integræ ſunt, inter ſe collaterales, & poteſtate Eccleſiaſtica æquales*, ſaith *Voetius*. Which you may Engliſh out of the Engliſh Puritaniſm thus; 'Particular Churches are in all Matters equal, and are 'entruſted by Chriſt with the ſame Eccleſiaſtical Power and Au-'thority. *Jewel, Reynolds, Whitaker*, and moſt of our Divines, againſt the Papiſts, are large in their Diſputes for a parity of Churches, and Mr. *Parker* hath written a whole Chapter *de paritate Eccleſiarum*. Some make a particular Church to be of larger Extenſion, as a Dioceſs, a Province, *&c.* but that altereth not the State of the Queſtion.

De judice cont. cap. 16. *p.* 90.

Of the *Church* lib. 5.

Jus divinum Regim. p. 230.

Diſp. de Polit. Eccleſ. p. 3.

Cap. 2. §. 3.

De Polit lib. 3. *cap.* 21.

A DIGRESSION.

1. *Of Independentiſm, Name and Thing.* 2. *Its conſiſtency with the Kings Supremacy.*

THis State of a particular Church, namely, their equality in reſpect of Juriſdiction or coercive Power one over another, was wont to be expreſſed by INDEPENDENCY, which though now it be a term of Reproach, yet formerly made uſe of by good Authors, as very fit and ſignificant, to ſet forth this Priviledge of each particular Church compleat and intire; namely, their not Dependency or Subjection, to the Juriſdiction of another Church, as their Head and Superior.

Dr. *Jackſon* in his learned Treatiſe of the *Church*, uſeth this term frequently, "Unity (ſaith he in one place) of Diſcipline, *Cap.* 15. *Cap.* 119.
"or of INDEPENDENT Judicature, is eſſential and neceſſary
"to the Church, as viſible. Hence there be as many diſtinct vi-
"ſible Churches, as there be INDEPENDENT Judicatures Ec-
"cleſiaſtick. Dr. *Sibbs* thus, "Particular viſible Churches are *Goſpel-anoint-*
"now God's Tabernacle. The Church of the Jews was a Na- *ings*, pag 94.
"tional Church, but now God hath erected particular Taber-
"nacles. Every particular Church under one Paſtor is the Church
"of God, a ſeveral Church INDEPENDENT. The Church
"of *England* (ſaith the ſame Author) is called a particular
"Church from other Nations, becauſe it is under a Government
"Civil, which is not dependent on any other Foreign Prince.
Each Church, ſaith *Voetius*, *as it hath its proper Form of an Eccle-* Deſp. Cav.
ſiaſtical Body or Society, ſo its endued with its proper Government and Pap. lib. 3.
Juriſdiction, which it exerciſeth DEPENDENTLY *upon Chriſt, his Word and Spirit, but* INDEPENDENTLY *in reſpect of all other Churches.* Mr. *Bates*, "One Company of Men aſſembled, Treatiſe prin-
"hath no Authority to impoſe things upon many Churches. ted Anno
"1. None now have Apoſtolick Authority. 2. Each Congrega- 1613.
"tion is a Body INDEPENDENT of any Eccleſiaſtical Power.
"There is no Ordinance of God for this, (ſaith Mr. *Bates*)
"that Churches within a circuit ſhould be tyed to a certain Head-
"Church for Government, *pag.* 8. and *pag.* 13. We affirm that

" no such Head-Church was ordained either vertually, or actual-
" ly, but that all Churches were single Congregations, equal,
" INDEPENDENT each of other in regard of Subjection.

A Collection of sundry matters, Anno 1601.

Every true Church (saith one) *now is an INDEPENDENT Congregation*; and in another place, *The Congregational Body Politick spiritually INDEPENDENT, is Christ's Divine Ordinance in the Gospel.* " One ordinary Congregation of Christians, is a spiri-
" tual Body Politick INDEPENDENT. That is, it hath the

Confession of Faith, p. Anno 1601.

" Right and Power of spiritual Administration and Government
" in it self, and over it self, by the common and free consent of
" the People, INDEPENDENTLY and immediately under
" Christ.

This was the Opinion generally of N. Conformists, as is observed by one of themselves in the Name of the rest, as also by

Sermon at *Lambeth*, p. 5.

B. Downam, " They (that is the N. C.) say, that every Parish
" by Right, hath sufficient Authority within it self, immediate-
" ly derived from Christ, for the Government of it self in all
" Causes Ecclesiastical. To the Parishional Presbytery consisting
" of their Parish-Bishop and his Elders, they do ascribe that suf-
" ficient, immediate, and independent Authority for Ecclesiastical
" Government for every proper visible Church.

That *Independency* of Churches was asserted (by those learned men of a former Age) in relation only to a superior Church-power properly *spiritual*, and such as is claimed *jure divino*; and not in relation to that Ecclesiastical Power which is in, or exercised from, the Civil Magistrate. Some of them have thus described a particular Church; It's *a Body Politick spiritually independent*, or *independent* in relation to a *spiritual* Superiority: which is expressed fully, by him that wrote *Church-Government with the Peoples consent*, pag. 115. " Though we affirm the Church-
" Government is *independent*, and immediately derived from
" Christ; yet we affirm also, that the Civil Magistrate is even
" therein (that is, in Ecclesiastical Matters) Supreme Governor
" civilly. And though nothing may be imposed on the Christian
" Churches against their Will, by any *spiritual* Authority (for
" so only we intend) yet we affirm withall, that the Civil Ma-
" gistrate may impose on them spiritual Matters, by Civil
" Power, yea, whether they like or dislike, if it be good in
" his Eyes, that is, if he judge it within his Commission from
" God.

And

And ſuch an *Independency* hath been pleaded for alſo, and argued by them to be much more *conſiſtent* with His Majeſties Supremacy, than a DEPENDENCY or *Subordination* of Churches, to any ſpiritual Power. And it was their profeſſed Judgments, That no External Power ought to be exerciſed in ſpiritual Matters, any where (within that ſpace betwixt a particular Congregation inſtituted by Chriſt, and the Catholick Viſible Church) by any perſon but the Civil Magiſtrate, or by his Appointment.

Take their own Words. *They that make claim* Jure Divino, *of Power and Juriſdiction to meddle with other Churches, than that one Congregation of which they are Members, do uſurp upon the Supremacy of the Civil Magiſtrate, who alone hath, and ought to have a power of Juriſdiction over the ſeveral Congregations in his Dominions*, &c. A Proteſtation of the King's Supremacy made and publiſhed in *Anno* 1605. §.27. and in §.28. "The King himſelf is to be General Overſeer of all the Churches within his "Dominions, and ought to employ under him, fit perſons to "overſee the Churches in their ſeveral Diviſions, *viſiting* them, "and puniſhing whatſoever is amiſs in any of them.

Mr. *Bradſhew* in the *Unreaſonableneſs of Separation*, againſt *Johnſon*, writes thus: *It's their principal Honour* (ſpeaking of Archbiſhops and Biſhops) *to be Commiſſioners and Viſitors in Cauſes Eccleſiaſtical under the King, over the Paſtors and Churches of Provinces and Dioceſſes.* In his Anſwer to *Johnſon's firſt Reaſon*: And in his Anſwer to his *ſecond*. He queſtions him thus: 1. "Whether the Supreme Magiſtrate hath not Power to overſee "and govern all the ſeveral Churches within his Dominion, yea, "whether he be not bound ſo to do. 2. Whether for his further "help and aſſiſtance herein, he may not make choice of grave, "learned, and reverent men, to aſſiſt him in the ſame Govern-"ment. 3 Whether by vertue of his Power theſe perſons thus "called, to aſſiſt the Supreme Magiſtrate, may not lawfully try "the Gifts of Miniſters within his Dominions, convent them be-"fore them, examine how they have behaved themſelves in their "places, and puniſh the blame-worthy.

In a Petition alſo to King *James* for *Tolleration*, "That your "Highneſs would afford us, and aſſign to us ſome perſons qua-"lified with Wiſdom, Learning and Vertue, to be under your

" Highneſs our Overſeers, for our more peaceable orderly and " dutiful carriage of our ſelves, both in our worſhiping God, " and in all other our Affairs, at your pleaſure. To whom with " all Readineſs and Subjection we are willing to be accomptable " and anſwerable, always.

The opinions of learned men about Church Matters (Government eſpecially) were collected together, in a Treatiſe which was put into *Latin* by Dr. *Ames*, and in an Epiſtle of his prefixed, avouched by him (who was a man much ſtudied in thoſe Controverſies) to be the Judgment of *Cartwright*, *Fenner*, *Fulk*, *Whitaker*, *Rainolds*, *Perkins*, *Brightman*, and thoſe that were more Ancient: As *Wichliff*, *Tyndal*, *Rogers*, *Bradford*, *Gilby*, *Fox*, *Moore*, *Dearing*, *Noel*, *Greenham*, *Dogmata iſta*, &c. Theſe Tenents (ſaith he) were either their Principles, or ſo conjunct with them, as not to be denied, theirs. *Chriſt Jeſus* (ſaith the Author) *hath not ſubjected any Church or Congregation of his to any other Superior Eccleſiaſtical Juriſdiction, than unto that which is within it ſelf —— the Civil Magiſtrate alone upon Earth, hath power to puniſh a whole Church or Congregation*, Cap. 2. §. 3. and more fully in §. 12. " They hold and believe (ſaith he) that " the *Equality* in Eccleſiaſtical Juriſdiction and Authority, of " Churches and Church Miniſters, is no more derogatory and re" pugnant to the State and Glory of a Monarch, than the parity " or equality of *School-maſters* of ſeveral Schools, or *Maſters* of " ſeveral *Families*. Yea, they hold the clean contrary, that *In*" *equality* of Churches and Church Officers in Eccleſiaſtical Juris" diction and Authority, was that principally that advanced " Antichriſt unto his Throne, and brought the Kings and Princes " of the Earth unto ſuch vaſſalage under him. And that the " Civil Authority, and Glory of Secular Princes and States, hath " ever decayed and withered, the more that Eccleſiaſtical Officers " of the Church, have been advanced and ſet up in Authority " beyond the limits and confines, that Chriſt in his Word hath " preſcribed unto them. And in Cap. 6. §. 6. They are ſaid to *deny a principal part of the Kings Supremacy*, that hold any Juriſdiction or Offices over Churches *jure divino, and not by the will and pleaſure of the King and Civil States of the Realm.*

And from what is ſaid, cap. 5. §. 12. It is evident that this way is as little prejudicial to the Subjects Liberty: For its expreſly there ſaid, *If any Member of a Congregation being under a crime,*

crime, shall of himself forsake Communion with the Church, that then the Ecclesiastical Officers, have no authority, or jurisdiction over him, but only the Civil Magistrate, Parents, or Masters, &c. So that as persons are free (otherwise than from conscience of duty) to *joyn* with these Assemblies, so also to *leave* them, remaining always under the Magistrates Ecclesiastical power and care.

I have made this Digression, not only for the matters sake, which is very suitable to our present Subject, but also to vindicate the *Congregational* way. 1. That it is not such a *Novelty* as is pretended. This of the *equality* of Churches, and thence an *Independency* (from which we are reproachfully surnamed) seems to be the worst of our Tenents: Yet it appears to be no other, but what the reverend and learned of a former age have asserted. Nor do I know any other of their opinions or practices, but may as easily be remonstrated, to be the assertions of those holy men. Nor secondly, inconsistent with civil Magistracy, or with their Power in Ecclesiastical Affairs. And as a further Testimony hereof, they take the Oaths both of *Allegeance* and *Supremacy*. Professedly assent also to "All the Articles of Religion "which concern only the Confession of the true Christian Faith, "and the Doctrin of the Sacraments; comprised in a Book enti- "tuled, *Articles whereupon it was agreed by the Arch-bishops and "Bishops of both Provinces, and the whole Clergy in the Convocation "Anno* 1562. *for the avoiding of diversity of Opinions, and for the "establishing of consent touching true Religion*, as is required by Stat. 13 *Eliz.* cap. 12. And do humbly hope, living peaceably under his Majesties Government, they shall obtain their share in that Indulgence his Majesty graciously purposed to shew to such persons, as through want of full satisfaction, differ in smaller matters from the present Establishment.

A fourth Particular, which ariseth from the former, is this. 4 *Instance.* Families being not subordinate one to another, they cannot associate or unite into any large or great Body; and therefore do, and may more conveniently retain their Government (though it be *peculiar* and *distinct*) in any Common-wealth, of what form soever, without prejudice to the Peace and Welfare of it. So is it with Churches, their State and Government (as it is appointed by Christ) is such, as is consistent with, and no prejudice unto any civil Powers under whom they are situated. And that upon

upon this account principally: Having no *Dependency* in Reſpect of Power or Juriſdiction one on another, they cannot in their own Sphere enlarge themſelves by Subordinations, to a political Body of any ſuch Extenſion and Greatneſs, as may render their Obedience or Compliance more doubtful or uncertain. It is matter of Jealouſie with Princes and States, when there is in their Dominions a Body, large and extenſive, firmly joyned and compact in it ſelf, of an intereſt peculiar and not holding of them. Particular Churches are of a ſmall compaſs, ſometimes comprehended in *One*, ordinarily but of a few Families. So that in this reſpect, though their Intereſt and Government be peculiar, they may retain it, and for ſubſtance the ſame (as Families do) throughout the World. Which will further appear in the following Conſiderations.

1. It is granted on all hands, That the Lord hath limited his Church to a Government which is perpetual, and for ſubſtance to be the ſame in all places. As alſo that the Nations, from their Civil Government variouſly, and as they judge moſt prudent.

2. Since the *Wall of partition* by Chriſts Death was broken down: The Goſpel and Chriſtian Churches were by Chriſts commiſſion to be planted in all parts of the World. It ſtands therefore with common reaſon, that the Church Government Chriſt hath left us, is of that Nature, as without any ſubſtantial Alteration may comply with, and not be prejudicial to, any Civil Government.

3. If particular Churches by Union become one body, for extention as large as the Civil State, There will hardly be a due and peaceable accord, and each enjoy its priviledge and Liberties without prejudice to the other; unleſs theſe two great bodies be moulded and formed one with reſpect unto the other. The policy therefore of the *Nation* and the National *Church* of the Jewes, were both reſpectively formed by the Lord himſelf.

4. Hence this opinion of *States-men*, that there is no form of Church Government left by Chriſt, or his Apoſtles; but to be moulded by the wiſdom and diſcretion of Chriſtian Magiſtrates, as *may beſt ſute and joynt in* with the Civil Government. And of *others* the contrary, "The Commonwealth (ſaith one) "muſt be made to agree with the Church, and the Government, "thereof with her Government: for as the *Houſe* is before the *Hangings*,

" *Hangings*, therefore the Hangings which came after, muſt be " framed to the Houſe which was before: ſo the Church being " before there was any *Commonwealth*, and the Commonwealth " coming after, muſt be faſhioned and made ſuitable to the " Church: We need none of theſe extreams. The middle way is this, Let not the Churches claim to be National or Provincial *Jure divino*, but leave ſuch diſpoſements to the civil Magiſtrate, and be numbred with thoſe leſſer Societies, Families, Cities, Colledges, *&c.* For theſe do retain in themſelves much the ſame form of Government and Freedom therein throughout the World.

5. It is not ſo much a different Form of Government: For in each Republick there are contained leſſer Societies of all Forms; but their *Extention* and *Potency* in numerouſneſs of Perſons, by which they are made up. Nor from this Principallity, but the nature of their *Union* and *Incorporation* begets the Jealouſies. If particular Churches become *Dioceſan*, *Provincial*, or *National* by Union from the Law, or Direction of the Civil Magiſtrate, for the better exerciſe of that Eccleſiaſtical Juriſdiction, the Lord hath intruſted him with, and *convenieney* of ſuch perſons as he ſhall appoint to inſpect the Churches; in ſuch a caſe the Greatneſs of *Churches* cannot be diſturbent to the Civil Government, being ſo directly under its cognizance. *The Common-wealth* (ſaith one) *containeth all the people in a whole Nation or more, united in one Soveraign, but particular Churches (diſtinct from the univerſal united in Chriſt) have no general Eccleſiaſtical Officers, in whom a Nation muſt* Unite *as one Church.* How then become they to be termed a National Church? Anſ. *As ſeveral Corporations in one Kingdom, or as ſo many Schools that have a peculiar form of Government, but ſuch only as is under* (and united in) *the Magiſtrates Government in its kind.* If this ſhould be claimed as the Law or Priviledge of each Family, that the Governors, be it the Father, or Husband, or Maſter, are thereby inveſted by Nature with the ſame Power, in reſpect to all Families in a Nation; and by ſeveral Correſpondencies and Subordinations raiſe, and *Unite* themſelves at laſt into a general Aſſembly or Repreſentative. And by Vertue of that *Economical* Authority give Laws to the whole Nation, though not as their *Subjects*; yet to the ſame perſons under another notion, that is, as *Wives*, *Children*, *Servants*. There is no well Governed State could entertain ſuch a ſpreading intereſt as this, without great doubt-

Holy Common-wealth, R. B. p. 2. 220.

doubtfulneſs, leſt their Authority and Supremacy, ſhould hereby be much Eclipſed.

6. But a particular Church conſiſting only of a few perſons in it ſelf, and independent on others; is neceſſitated to depend, under God, upon the Magiſtrate for protection. Which if they ſhould not obtain, but be oppoſed and perſecuted; yet have no ability to reſiſt, being as a Family ſingle and alone, not able to defend it ſelf or moleſt others. Nor if they were able, is it lawful for a Church to compel by the *Sword*, more than the Magiſtrate may by *the Keyes*, or what is peculiar to the ſacred Function. *Uzzah* erred in the latter, and *Peter* in the former. The primitive rule and practice was this, being *perſecuted in one City* to *fly into another*, and *pray* that *their flight may not be in the Winter.* No nor do we judg that theſe ſpiritual weapons (the Keyes or Cenſures) may lawfully by a Church, or any Eccleſiaſtical Aſſembly be threatned, or drawn forth againſt a whole Nation, and the chief Governors thereof, to urge or compel, eſpecially in State concernment (as the *Pope* and ſome *others* have done) though it be truly *in ordine ad ſpiritualia.*

2 *Chron.* 26. *Matth.* 16. 19. with 24, 25. *Matth.* 10. 23. 24. 20.

Tot 5. *Inſtanc.* The fifth *Inſtance* or *particular* is this. A Family of all Corporations or Societies, is the loweſt ſpecies or kind, it's *Conſociatio ſimplex & prima*, and hath the leaſt of pomp or ſtate in the Government of it. Cottages are built low, Palaces with many ſtories one above another. Thoſe great and extenſive Bodies *Empires* and *Kingdoms*, repreſent in their *Government* more adequatly the *myſtical* Church, in reſpect to Jeſus Chriſt who is their *King* and *Lawgiver*, whoſe Kingdom is with *Power and Glory*, a Power that is truly Imperial and Princely, having Officers under him (his Kingdom reaching to the utmoſt ends of the Earth) who *in his name* command reward, and puniſh. But *Particular* Churches as Governed by his Miniſters, have their portion rather with the meaneſt and loweſt Societies of men.

The Scripture ſeems to point at more than a ſimilitude and likeneſs betwixt a Family and Church, in the managing of affairs; I mean in the general, and what is it not determined by expreſs Inſtitution. *Paul* ſpeaking to *Timothy* about Church affairs, mentioneth their expertneſs in Governing a *Family*, as a good preparative or qualification for *Church* adminiſtrations. And this is not only *Negatively*, *if a man know not how to rule his own houſe, how ſhall he take care over the Church of God.* But affirmatively,

1 *Tim.* 3. 5.

ſumatively, *Theſe things I writ, that thou mayeſt know how thou oughteſt to behave thy ſelf in the houſe of God, which is the Church of the living God.* The ſence is full in thoſe words, *the Church of the living God*, yet it is added *the houſe of God*, purpoſed as it were to carry the Eye back to what was written, *ver.* 5. which ſheweth that there is a great *affinity* betwixt our Houſes and the Houſhold of God. *In a Fathers Governing his Children* (ſaith one) *there is a lively reſemblance of ſuch Duties of Government, which he is to diſpence towards the Church. There is nothing enjoyned, the Miniſter as a Father of Children, which belongeth not to him as he is a ſpiritual Father of the Children of God.* *verſ.* 15.

On the other hand, it may be obſerved, this queſtion being amongſt the Apoſtles, who or *which of us ſhall be the greateſt in the Kingdom of Heaven?* upon ſuppoſition (the Church being termed a *Kingdom*) there would be places of State, and higher dignity in it, as are in the Kingdoms of the World. Chriſt Anſwers: There ſhall be no ſuch thing, no primacy in one Apoſtle over another, no, *the greateſt of you ſhall be the leaſt*, and the *firſt ſhall be the laſt*, Though a Jurisdiction and power truly *Imperial*, abſolute, and equal to any of the *Kings of the Gentiles*, belongs to me, and I exerciſe it in thoſe ſpiritual adminiſtrations, yet no ſuch dignity may be aſſumed by you, ὑμεῖς δὲ οὐ τοῦτο. *Luke* 22. 25. *Matth.* 18. 1.

1. When the Scripture ſpeaks of a particular Church under the notion of a *Family* or Houſhold, Government or *Ruling* is mentioned as that wherein the ſimilitude or proportion is moſt perſpicuous and clear, as hath been ſhewed: But ſpeaking here of a Church under this expreſſion, *a Kingdom*, how purpoſely are we cautioned againſt an imitation in Rule and Authority?

2. We may further obſerve that Ambition after greatneſs in thoſe that manage theſe *great things*, is an infirmity almoſt unavoidable. For if 1. Such perſons, the holieſt men on the earth, they who had *forſaken all to follow* Chriſt. 2. And theſe ſo often relapſe into this folly after they had been reduced from it by Chriſt. 3. And at ſuch times, immediatly after Chriſt had minded them of his Death, and that *one* of them ſhould *betray him*, when alſo they had newly been at the Communion with him: What great cauſe is there that every man be very jealous of his own heart? *Heb.* 8. 12. 1 *Pet.* 1. 4. *Matth.* 20. 19, 20. *Luke* 22. 21, 24. & 19. with 24.

3. It is not unevident alſo from the Diſciples often Diſputes about their greatneſs; that moſt of our controverſies and con-

tentions about Church-Government, if traced home, will be found to ariſe from hence, namely: The having our Eye fixed ſo much upon the *lofty* ſtate of a *Kingdom* as our pattern in ſuch managements, rather than that familiar and *humble* way of a *Family*. For indeed this was the only breach and conteſt that we read of, amongſt thoſe holy Men, the Diſciples of Chriſt.

4. And where ſuch differences are, a Reconcilement will be found more difficult, becauſe where the mind is bent on worldly greatneſs, we are very dull and ſlow in underſtanding whatſoever ſhall be ſpoken (though from Chriſt himſelf) that ſeems to croſs thoſe thoughts; as appears alſo in that ſtory, *Mark* 9. 32.

A Parent or Maſter would not eaſily have been tempted into ſuch an Error, or make this queſtion, who or which of us ſhall be the greateſt? that is, have a paternal power over other Parents and their Families, &c. And had the Diſciples looked upon *Miniſterial* power under ſo low and humble a notion as what is *Economical*, *James* and *John* would never have thought it congruous, that they ſhould have an Apoſtolical power over the other Apoſtles, *Hoc Papatum fefellit*, &c. (ſaith *Cartw.*) *This deceived the Papacy, which governs throughout after the form of worldly* * *Empires. The Pope he is as the Emperor himſelf, the Cardinals as his Deligates or Repreſentative, the Arch-Biſhops as the Governors of Provinces*, &c. *Hence* John *calls the Church of* Rome, *the Image of the Beaſt, the Vizard of the* Roman *Empire.*

* *Plurimorum conſenſu Eccleſia. à repub. formam illam magna parte mutuata eſt Filiſac.*

For further confirmation of this fifth particular or Inſtance, let it be conſidered, how ſeldom and ſparingly a particular Church in the N. T. is termed a *Kingdom*. Although 1. Its Government be derived as a Branch of Chriſts *Kingly* Office. 2. Church Ordinances are the moſt effectual means by which he exerciſeth his ſpiritual *Soveraignty* in each mans ſoul. 3. His *Myſtical Kingdom* on earth, thus by parcels, comes to be wholly under an external ſpiritual regiment, and 4. His Church when National was managed in the *Glory* and *State* of a Kingdom. Yet notwithſtanding all theſe leading occaſions, how ſparingly, and not without ſpecial Caution is a particular Church thus termed? Whereas not only the *Society*, but the Government, Officers, Ordinances, Cenſures, and other Church matters, are univerſally and frequently delivered unto us by Chriſt and his Apoſtles, in terms apt to mind us of this low and humble policy. To give ſome Inſtances thereof.

1. A particular Church or the Society it ſelf, is repreſented unto us as the *Houſe of the living God*, 1 Tim. 3. *His Houſhold*, Matth. 24. 45. over which he hath ſet *Rulers* (therefore to be underſtood of a particular Church, for the univerſal is immediately under the rule of Chriſt.) A *Brotherhood*, 1 Pet. 2. 17. and the Members of it *Brethren* and *Siſters* (as the Paſtors *Fathers*) 2 *Cor.* 7. 15. *Jam.* 2. 15. 1 *Tim.* 5. 2. and it is given as a title of Dignity, 1 *Cor.* 5. 11. *Epheſ.* 4. 21. *Rom.* 16. 1, 23. 1 *Pet.* 5. 12. yea to the *Poor* as well as to the *Rich*, and to thoſe of *low* as *high* degree, *Jam.* 1. 9.

2. Church Ordinances as 1. By *teaching* and admoniſhing the *Word* is ſaid to *dwell amongſt them* in all Wiſdom ἐνοικείτω ἐν ὑμῖν compared with *Matth.* 24. 45. The *faithful and wiſe Ruler* of Chriſts Houſhold *is to give them meat in due ſeaſon*. It is a deſcription of a Paſtors duty, who is hereby admoniſhed to *feed with knowledge*, and to be much in it, that the Family may be *richly* and plentifully, and not ſparingly, niggardly fed. The *Word dwelling*, is the Houſhold Bread or Food, which by the *Stewards* or Miniſters is to be *rightly divided*, 2 *Tim.* 2. 15. and reſpectively diſpenſed as *milk to the Babes* in the Family, and *ſtrong meat* to others, *Heb.* 5. 13, 14. 1 *Cor.* 3. 2. 2. The *Sacrament* an Ordinance peculiar to this Society, it's repreſented unto us as the *Supper of the Lord*, a Spiritual repaſt of *Bread* and *Wine*. It came in the place of a Family Ordinance the *Paſſover*, and ſo termed: Churches being now become Gods Family, and the Lords *Supper* their *Feaſt*, 1 *Cor* 5. 8. but moſt to our purpoſe, are ſuch expreſſions as ſet forth the Govesnours and Diſcipline appointed to a particular Church. *Col.* 3. 16.

3. The *Officers* are as the *Stewards and Servants* in this Houſhold, and ſo termed not in relation to *Chriſt* only, who is the *Lord*, but to the *Church* his Family. Chriſt abates of the over-high expectations of his Diſciples, by telling them that thoſe who are the chiefeſt amongſt them, ought to be even as *Servants* in the Houſe, that attend at the Table, *Luke* 22. 26, 27. There were thoſe in *Corinth* raiſed much above their level (whom *Paul* perſonates in himſelf and *Apollo* and *Cephas*) even equal with Chriſt, as having the Fountain of their excellency in themſelves, and communicated unto others of their own (as great Princes and *Benefactors*) like Chriſt: this being Lordly and Princely, *Paul* tells them, they *raigned like Kings*. To reduce from this *1 Cor.* 4. 3. *Rom.* 16. 1. *1 Cor.* 1. 12, 13. with 4. 6. *1 Cor.* 4. 7, &c. *ver.* 8.

this exorbitant height to a juſt ballance, *Paul* ſets down the rate they may value themſelves, 1 *Cor.* 4. 1. *Let a man ſo account of us, as of the Miniſters of Chriſt, Stewards of the Myſteries of God.*

4. *Diſcipline* and *Cenſures*, the *Keyes* that open and ſhut; this expreſſion hath its reference to a Houſe or City moſt properly. And in the firſt place, particularly the Cenſure of *Excommunication*, which is as the *purging out of the old leaven*, 1 Cor. 5. 7, 13. this was done by a careful and diligent ſearch into every corner of the houſe. So the Excommunicate perſon, like *Cain*, is caſt out of the Family, and droven from *the preſence of God*. With ſuch a one *not to eat*, is all one with holding him as a *Heathen and Publican*. This Cenſure is temed a *Rod*, ῥάβδος, as the Correction of our Children is termed παιδεία Diſcipline; ſee *Beza*. The Apoſtles being Spiritual Parents, *threaten* the *Rod*, that is to cenſure in a Diſcipline way, *cap.* 13. 1. *In the mouth of two or three Witneſſes*, &c. compared with *Matth.* 18. And then *verſ.* 2. *If I come again I will not ſpare*, which is the ſame with 1 *Cor.* 4. 21. *Shall I come with a* Rod?

Exod. 12.

Eph. 6. 9.

2 *Cor.* 12. 14.

The 6 *Inſtance.* The ſixth *Inſtance:* As the Government of a Family is low and humble, ſo it is carried on in the moſt familiar and affectionate way; there is an intimacy, and daily converſe with our Governours. *Inſtruction* and *Correction* are much ſweetned from that Fatherly care and Affection, we have experienced in *other* dealings. It is thus with Churches; though the Power there exerciſed, be ſome way coercive, yet brotherly, and ſubmitted unto with much Reverence, being adminiſtred by thoſe we love, honour, and depend upon, as Spiritual Fathers. *Eccleſiaſtical Power* (ſaith our Brethren of *Scotland*) *is indeed furniſhed with Authority, yet that Authority is rather the Fatherly, than the Kingly Authority.*

Prop. to the Gen. Aſſem. 1647.

We have ſaid that neither the cenſures of the Church, nor of civil Magiſtrate, *morally* work upon us further than we work upon our ſelves. Yet there is this difference, the weapons of the one being carnal, affect the ſenſes, and by them the mind coming in upon it more ſuddenly and ſtrongly. *Senſe* and Appetite have now a broad, ready, and more direct way to the Soul than *Reaſon*. But Church-cenſures touch us not, or very little in any Bodily concernment. So that nothing comes in upon us any way, but what we our ſelves are willing to let in. It is a great advantage therefore, and much to our Edification, that the perſons who deal with us in ſuch

a way

a way, be first let into us, that is much in our affections and good opinion, and having entertained the persons, their ministration will the easier be let in with them, and so we come to be *taken by Craft*, as it were, (as the Apostle expresseth it) 2 *Cor.* 16. that is, we are induced by a sweet and attractive Bait, to take our selves. The Persons therefore that are over us in the Lord, being such as we intimately know, and daily converse with, such as our selves have chosen to be our spiritual Fathers, such also as we have experienced their goodness and tenderness in other Gospel-Administrations: we more easily subject to their Rebukes and Censures, as coming from the same Affection. The Ruling power in a Family, is you know by those that are intimately known, and greatly oblige, as Parents who daily care and provide for us for present and to come, and therefore though they correct us, yea, sometimes in *Passion*, yet *we give them reverence*, Hebr. 12. 9. Censures in Churches, or Church-Chastisements, *are* therefore or *ought* to be from those that instruct and give us our portion in spiritual Comforts: the Rulers of Christ's Houshold gives them *their meat in due season*. *We exhorted and comforted*, (saith the Apostle) *and charged every one of them, as a Father doth his Children.* *Paul* can *charge* them, and with greater Authority, even in their own hearts who have had experience, how in a Fatherly way, he *Exhorts*, *Comforts*, and *Travels* as it were *in Birth with them*. The *Apostle* urgeth Obedience and Submission upon such a Consideration, *Obey them that have Rule over you, and submit your selves; for they watch for your Souls, as they that must give an account.* That is, there is an intimate and affectionate relation between them and you, being such, as Fast, and Pray, and Mourn, and Rejoyce, yea, Eat and Drink with you daily at the same Table of the Lord, and are intrusted with the Care of your Souls from the hand of Christ.

Mat. 24. 45. 1 Thess. 2. 11. Hebr. 13. 7.

This cannot be where the Pastoral or Ministerial Work is divided, and the *Keys* of the Church hung apart. Those that instruct us not, may, are *Strangers* to us, *Rule over us*; Rebukes and Chastisements in this spiritual way, are from those whose Faces we never saw, or know so much as by name. It's true, we may argue thus, They are strangers, expect no favour therefore, or mercy from them, if you offend: this procures Obedience indeed, but it is in a servile way. The mind of Christ is, that as our Submission to himself, so to his Ministers (who even in Censures

act

act in his Name) be affectionate, filial, and drawn by the cords of love.

Thus have I gone through with the Instances *promised, with what brevity the nature of the matter would permit. By which it is not intended to parallel these* Societies *in respect to the intrinsick Form of Government* peculiar to each: *(for that, in a Church is from the Institution of Christ, rather than the light of Nature) but the more* general *state and habitude of Ecclesiastical Government as Churches stand disposed to the Civil Magistrate, or one to another, and what the light of Nature and common Reason contributes hereunto, being so much insisted upon. What hath been said, I hope tends to* Union *and Accommodation. Those that hold any Spiritual Government* Jure Divino, *and by the appointment of Jesus Christ, do not deny it to a particular Church: And those that hold* none, *yet are at a lesser distance from such who claim so little.*

CAP. VI.

A second Objection. Of the Jurisdiction over Particular Churches in Synods, Ecclesiastical Courts, &c. §. 1. as exercised with us. §. 2. and in other places.

Object. 2. THere are *Synods, Consistories, Colloquies,* and other Ecclesiastical Courts, which exercise an Authority in spiritual matters over Churches: Therefore that of the Magistrate before mentioned, is not so necessary.

Answ. It is humbly denied, and asserted, That these greater Assemblies, a Synod, Classis, Coloquie, and the like, either have no such coactive Jurisdiction, as we mentioned, or are dependent upon the Civil Magistrate for it. This we shall shew, by declaring more fully what Ecclesiastical Power is exercised by Synods, or such Courts. 1. *In this Kingdom.* 2. *In other Reformed Churches.*

The Ecclesiastical Courts in this Kingdom are of two sorts:

1. There are, we know, Spiritual Courts, (so termed) such as the *Prerogative*, the *Arches*, Court of *Faculties*, the *Archdeacons* and *Commissaries* Courts: These claim only from the Civil Powers, as was shewed before. In the Statute of 37 *Hen.* 8. c. 17. it is declared, *That the Archbishops, Bishops, Archdeacons, and other Ecclesiastical Persons, have no manner of Ecclesiastical Jurisdiction, but by, from, and under the King's Royal Majesty.* By the Statute also

Pag. 45, 46.

of

of 1 *Edw.* 6. *c.* 2. *All Courts Ecclesiastical within the Realms of* England *and* Ireland, *ought to be kept by no other Power or Authority either Foreign or within the Realm, but by the Authority of His most Excellent Majesty.* And it was further Enacted, *That all their Process shall issue out under the King's Seal, and His Name and Style, &c.* but since repealed. Dr. *Cosens*, in his learned Defence of them, and their Proceedings, asserts thus: *They are* (saith he) *warranted by the Statute and Canon Law of this Nation*; professing also, that there were Reason enough against those Ecclesiastical Proceedings, *if they were not claimed from the Crown, but from some other Authority immediately, as the Popish Clergy did theirs from, by the means and direction of the Pope.* Apol. Part 1. Cap. 1.

2. Our *Convocation* or *General Synod*, which makes Laws and Canons about matters that are more spiritual. This is an ancient Court, and hath formerly been in *it self* of great Authority in Ecclesiastical Regulations; it's not so now, but *dependent* upon the Civil Magistrate, for whatsoever Jurisdiction or Coercive Power there exercised, which will appear in these Particulars.

1. There are no *Laws* or *Canons* made by the Bishops, and others of the Clergy in the Convocation, that oblige under any Penalty, without the Stipulation and Assent of the Civil Magistrate, be it either in matters of Faith or Discipline. The 39 Articles and Canons about them, concluded upon by the Synod in *Anno* 1562. engaged no man under any Penalty in our Law to believe, profess, or subscribe, until they had an Assent or Establishment by the Civil Powers. Nor can they proceed against any Crime, as *Heresie*, *Apostasie*, or gross Enormity in Doctrine, but what our Laws declare to be such.

Nihil habet vim legis priusquam Regius assensus fuerit adhibitus, iis quæ Synodus decernanda censuerit. Cosins Polit. Ta. 1. a.

And for matters of *Discipline* and *Worship*, it appears by the Letters Patent, Copies whereof are annexed to the Canons published in *Anno* 1603, and 1640. That 1. All power to *meet, confer, treat, debate, and agree upon any matter for common good, is from such Licence*, Power and Authority *as is* granted *to the Archbishops, Bishops, Chancellors, and other Members of the Convocation* from His Majesty *of His special Grace, and by virtue of His Prerogative Royal and Supreme Authority in Ecclesiastical Causes.* And 2. the *Synod* having treated of, concluded and agreed upon *Canons, Orders*, &c. To the end and purpose by His Majesty limited and prescribed unto them, they are to offer and present the same to His Majesty in writing: *He, upon mature consideration taken thereupon*, may allow,

The Licence to the Convoc. in Anno 1640.

low, approve, confirm, and ratifie, *or otherwise* disallow, anihilate, *and make void such, and so many of the said Canons, Orders*, &c. *as he shall think fit, requisite, or convenient.* And *none of those Canons*, &c. *shall be of any* force, *effect, or validity* in Law, *but only such, and so many of them, and after such time as His Majesty by His Letters Patents shall approve and confirm the same.*

The Civil Magistrate may suspend for what time he shall please, yea, wholly deprive any Bishop or Bishops from their Office and Place in this *Synod*, who are the chiefest Members thereof. He may Commissionate also by Writ *, what other Persons He shall please to sit in Convocation with them. And if occasion be, He may likewise wholly constitute another *Synod*, and nominate each particular Person of what Quality and of what Number of His Natives as He shall please, and give them like Authority in Ecclesiastical matters. So was that Synod of the 32. appointed (by *Hen.* 8. and afterwards by *Edw.* 6.) to do the work of a Synod, and present a Body of Ecclesiastical Canons for Confirmation by the Magistrate.

* *Cook Instit. pag.* 4. *cap.* 74.

Field, *Of the Church.* Lib. 5. cap. 53. *Princeps potest assignare, nominare, & authoritatem dare quandocunq; & quamdiu ipsi placuerit hujusmodi indignis subditis quos idoneos censuerit*, &c. *Dr.* Cosin *de Pol. Tab.* 1. *a.*

3. These Laws, saith * *Cook*, are termed *Regiæ Leges Ecclesiasticæ*, and another *such Ecclesiastical Laws as now are in force, are called* the King's Ecclesiastical Laws, *for that now all Jurisdiction, whether it be Temporal or Ecclesiastical, is the Kings.* And if there be any thing difficult or doubtful in these Laws, the Interpretation is ultimately to be given in the Civil Judicatures. So *Cook's Instit. pag.* 4. *cap.* 74. To the King also is the last Appeal to be made, and *Delegates* appointed by Him, give final Determination in Controversies, after adjudged by those Laws and Canons in any, yea, the highest of those Ecclesiastical Courts. *Ultima Appellatio sit ad Principem & non extra Regnum*, saith Dr. *Cosen*, and tells us it is a Jurisdiction *Coronæ Regiæ de Jure debita.*

* *De Ju. Ec. pag.* 9. Dr. *Ridley's* view. *pag.* 110. 25 *Hen.* 8. *c.* 19. 25 *Hen.* 8. *c.* 21.

4. The King's Majesty may *dispense* with any of those *Canons* or Ecclesiastical Laws, indulge the Omission of what is enjoined by them, make void the Crime, and remove the Penalty incurred by breach of them, yea, and give Faculty to do or practise otherwise, any Synodical Establishment or long usage to the contrary notwithstanding, in what *offends not the Holy Scripture and Laws of God.*

5. The King may exempt Persons and Societies from the Jurisdiction of the *Ordinary* or *Bishop*, or any else who are to execute these Canons. This my Lord *Coke* asserts, and as a Prerogative

De Jure Eccles.

annexed

annexed to the Crown. He gives many Inſtances of ſuch *Diſpenſations* in ſeveral Kings Reigns, both ancient, and of later times. For doubtleſs what Power He grants, and is exerciſed under Him, may be re-aſſumed by Him. And Priviledge, even whole Pariſhes if he pleaſe, from *Epiſcopal* or *Synodical* Juriſdiction, and ſuch Pariſhes are ſaid to be *Regiæ Majeſtati immediatè ſubditæ*: Mocket, *de Eccleſiaſtica Ang. Pol. pag.* 294. And many Pariſhes to this day, ſtand thus exempted, by the favour and grant of Princes formerly. The *Dutch* and *French* Churches in ſeveral Parts of this Kingdom, by Patent from *Edw.* 6. were exempted from the then Eſtabliſhment, and exerciſed a *Diſcipline*, and Forms of *Worſhip*, according to their own Perſwaſion, our Synod and Eccleſiaſtical Courts having, by vertue of this Exemption, nothing to do with their Miniſters or Churches; which Priviledge hath been confirmed to them by our Kings that Reigned ſince, and are enjoined to this day, His Majeſty that now is, by His Prerogative in Eccleſiaſtical Matters, notwithſtanding the preſent Form of Worſhip and Ceremonies, Graciouſly indulged Tender Conſciences a *Forbearance* in what they were not ſatisfied, and to practiſe otherwiſe, *Declaration of* October, 1660.

6. There is no matter or thing appertaining to Religion, or firſt Table-Duties, or ſo intimate and properly ſpiritual, which a Synod or Convocation hath Cogniſance of, and may make Laws and Canons about: But the like things have been eſtabliſhed by the Civil Powers (more than ſometimes for Advice) without it, as will abundantly appear in the many Statutes and Laws of former and later Times, as againſt *Swearing*, *Perjury*, *Sabbath-breaking*, &c. That one inſtance, the *Liturgy, and ordering Biſhops, Prieſts and Deacons*, the many Rubricks in each of thoſe Books, are ſo many Canons and Eccleſiaſtical Conſtitutions, inſomuch as ſome have termed the Parliaments of *England* Synods, or Repreſentatives of the Church of *England*; obſerving alſo, that in the King's Writ, by which a Parliament is called, there is expreſly committed unto them the Conſiderations of what concerneth the *Church* as the *Kingdom* of *England*.

There hath been alſo *Injunctions*, *Declarations*, *Adverti ſements*, *Proclamations*, and the like Edicts publiſhed in Eccleſiaſtical Mat-

ters, from time to time by our Princes, without calling or adviſing with a Synod: And Obedience hath been required unto thoſe *Precepts*, by the Ordinary in each Dioceſs, as well as to the *Canons* and Eccleſiaſtical Laws made by Synods.

The Dependency therefore of Synods and Convocations upon the Civil Magiſtrate, according to the Conſtitution and Practice here in *England*, is very great and apparent: For,

I. They can make no Canon, or Eccleſiaſtical Law, without the Civil Magiſtrate, but he can and may without them.

His Majeſties Licence to the Convocation, May 12. 1640.

II. None of their Laws, though ever ſo Ancient, but may be revoked by a Parliament; but the Rubricks, or Eccleſiaſtical Laws eſtabliſhed by it, may not be medled with by the Convocation.

I ſhall conclude with B. *Bilſon*, who ſeems to ſtate the Nature and Occaſion of Synods, as they are in this Kingdom, very fully, and indeed much as they ought to be whereſoever they are called; his words are theſe:

D. Bilſ. Perp. Gov. cap. 16. p. 383.

"With us no Synods may aſſemble without the Prince's Warrant, as well to meet as to conſult of any matter touching the "ſtate of this Realm: And why? They be no Court *ſeparate* "from the Prince, nor *ſuperior* to the Prince, but ſubjected in "all things to the Prince, and appointed by the Laws of God "and man, in Truth and Godlineſs, to *aſſiſt* and *direct* the Prince "when and where they ſhall be called to aſſemble; otherwiſe "they have no power of themſelves to make *Decrees*, when there "is a Chriſtian Magiſtrate, neither may they challenge the judicial "hearing or ending of Eccleſiaſtical Controverſies *without* or "againſt the Prince's liking.

It appears evidently hereby, that in the Judgment of the Learned Author, Synods, in their Nature and Uſe, are not for *Rule* and *Government*, where there is a Chriſtian Magiſtrate; or otherwiſe than as Aſſiſtants only to counſel and adviſe, Him.

The

THE Synods in *other Reformed Churches* claim a *coercive* Jurisdiction, from an *intrinsick* right received immediatly from Jesus Christ, as Ministers of the Gospel. There being no expres Scriptures to uphold this Assertion, and the light of Nature and common reason being supposed sufficient to create a *jus divinum*. The Authors of this perswasion argue thus.

Discip. of Scot. lib. 2. c. 11. also Act of G. Assemb. before the Confes. of Faith. Jus divinum regiminis, cap. 3.

"In all Kingdoms and Republicks, if wrong be done by inferior Courts, we may have right by appealing to a Court superior in Authority; there ought therefore to be such an order "in Churches, that is, a Classis, Synod, &c. That there may "be regular Appeals in like Cases. And further they argue, if "it be not so, when whole Churches or their Consistories transgress, there is no ordinary Remedy. The Provision Christ "hath made for Government in his Church will be found defective: For though there be a Remedy for particular persons; "yet for a Church offending, there is none, if there be not a "superior Church or Ecclesiastical Power to appeal unto.

Jus D. regim. cap. 1. Assembly Dispute p. 114. Rutherf. peaceable Plea, cap. 15. Assertion of the Govet. of Scot. by G. Gillespie, part 2. cap. 4

Leaving wholly what they pretend from Scriptures: I shall examine this only their Reasoning from common light, it being more suitable to our present subject; and in the general say.

Answ. 1.

1. In the Mysteries of the Gospel (from which by their own concessions, Church-communion and Discipline is not to be excluded any more than Preaching or the Sacraments) It is very unsafe to make the dim Eye of Reason our Guide. Of what advantage such suppositions have been, in producing *Arminianism*, *Socinianism*, *Platonism*, &c. but especially of the many gross Errors and loathsom Superstitions in Popish Worship: we cannot be ignorant.

Answ. 2.

2. An Appeal (as understood in this dispute, and ordinarily by *Civilians*) is *a provocation to a superior Tribunal, upon the error or wrong done by an Inferior*. Such an Appeal is not essential to Government, unless we can suppose a *progressus in infinitum*: Nor is there a defect in that Government where it cannot be had. Some Societies are 1. So *low* and little in compass, as they need not such Appeals. A Family is a compleat Society or Corporation, though there be not a Superior in the same kind, that is, an Economical power to appeal unto; so may a Church be, though not a Superior in a *series*, properly Spiritual or Ecclesiastical. 2. Others so *High*. If there be an Error or Wrong done in or by a general Assembly or National Synod, (supposed in the ex-

gued by the Commissioners of Scotland, Anno 41. p. 1, 2, 9. also their Declaration against a Cross Petition. P. 10.

ercise of power of greatest perfection) we have no remedy, no Superior to appeal unto; therefore they term their Church or General Assembly an *Independent*. If it be said, as it is by some, we may appeal from it to an *Oecumenical* Councel. *Answ.* These great Councels have erred, and may, and what then is the Remedy, or further Provision? To what Ecclesiastical Tribunal Superior can we appeal from them?

Answ. 3.

To answer more particularly: This Reasoning being grounded upon a Similitude betwixt the Ministerial Government of Christ, and the Political Government of Kingdoms, we say there is not *Par ratio*, and therefore no just consequence. The Disparity will appear in divers Particulars.

I. *Disparity.*

In their Natures, as *Civil* and *Religious* Assemblies. In this the Difference is so great as *Councels*, *Schoolmen*, and *Casuists*, who all grant Appeals in Civil Affairs: yet in Ecclesiastical Matters the ordinary use of them is so constantly and generally denied, as it is an Axiom, saith One, *That in Religious Causes, the Voice of Appealing is not to be heard or mentioned.* And in the same Chapter he gives us the Reasons of it in these words: *Si in ordinariis correctionibus quæ juxta disciplinam religiosam fiunt, locum haberet Appellatio à Priore ad Provincialem, & à Provinciali ad Generalem; magna sequeretur perturbatio, & disciplina religiosa sine dubio corrueret*, &c. " In ordinary Censures, and such as are according to a " Religious Discipline, if Appeals should be made from the Prior " to the Provincial, and from the Provincial to the General, it " would breed a great Disturbance, and be doubtless the Ruine " of Religious Discipline: For, 1. Inferiour Governours would " quickly be despised, and have little Reverence or Fear. 2. By " such a dilatory way, opportunity will be given by Friends, or " under-hand working, to prevent any Religious Discipline. It is " therefore expedient for the good of Religion, that there be a " more simple way of procedure in these spiritual Corrections, " and that it be without any kind of Appellation: Thus far *Suarez*. And others of them also tell us, That in a *voluntary* and *brotherly Society*, it's more comely and honourable to end Offences and Differences in a private and peaceable way, amongst themselves, and within the Society, than by clamorous Appeals, to make Matters more publick. It should not be of little weight also with us, the Tenderness of Christ, if it be considered, and how he would not have Breaches and Offences amongst Brethren

Videtur axioma communiter acceptum inter probos Religiosos Appellationis vocem audiendam non esse, Suar. *de virt. Tom. 4. pag. 99.*

Soto *de Just. lib. 54. 6. art.*

to

to be made more publick, or carried further than is neceſſary. And by any thing we find in the Text, there is no Neceſſity we ſhould carry Matters for Cenſure, out of the Church where the Offence is; if there were, doubtleſs Chriſt would have given us direction as well for the managing of Appeals FROM a Church, as IN a Church, *Mat.* 18. 15, 16, 17. where each ſtep and circumſtance, in the progreſs from a leſſer to a greater Authority, is deſcribed.

II. *Diſparity.* From the different condition of *Puniſhments* in reſpect to Relief, if unjuſtly inflicted. Church-Cenſures have little operation on us, further than our own Conſcience and the Spirit of Chriſt make them effectual, by working them in upon us: But if inflicted where no juſt Cauſe, and *Clave errante*, the Spirit of Chriſt will not convince us of Sin, or let in Satan's Terrors, nor any ſuch impreſſions of Grief or Shame as much to afflict us being innocent. How little hath the *Pope's Bulls*, or ſuch Thundrings from *Rome*, been valued or eſteemed; or Excommunications ſent out of our *Spiritual Courts*, when we know it is but for a *Four-penny* Offence? In Civil Affairs it is much otherwiſe: For, be the Sentence *juſt* or *unjuſt*, the Execution of it is equally *grievous*, and a puniſhment, be it in reſpect of Life, Liberty, or Eſtate; and there is no way either to avoid or mitigate ſuch wrongs, but by Appeals: The neceſſity of ſuch Appeals therefore is very great, but in reſpect to Eccleſiaſtical Cenſures, little or nothing at all.

III. *Diſparity.* The ordinary *end* and *uſe* of Appeals, is either, 1. For Relief of Perſons ſuffering: Or, 2. That corrupt Judges be cenſured, and unjuſt Sentences reſcinded. Perſons come to be relieved, when by Appeals to Higher Powers there is a better underſtanding, either 1. in the Rule and Law; or, 2. a more righteous judgment in matters of Fact. There are none of theſe Ends or Uſes of an Appeal ſo accompliſhable in an Eccleſiaſtical Proceſs, as in a Civil.

1. If the *Rule* be obſcure, a right underſtanding of it may *infallibly* be had by appealing in *Civil* Affairs; the Supreme Court is here on Earth, that made the Rule or Law; what's determined by a Parliament, or ſuch Perſons as are intruſted by it to this purpoſe, is to us unqueſtionable.

But it's otherwiſe in *Church* Affairs, our Law-giver is in Heaven, and cannot in ſuch a forenſical way be appealed unto, nor hath he left any Vicar or Viſible Judge under him, of greater Authority,

ty, in reſpect of Infallibility, than a particular Church, *which is*
1 Tim. 3. 15. *the ground and pillar of truth.* The *Papiſts*, ſome of them in great and weighty matters (not otherwiſe) that are ſpiritual, yield Appeals; but it's upon this Suppoſition, that the Cauſe, at laſt, will be brought to a Tribunal that is Infallible, *Licitum eſt* (ſaith
Aragon, *in* 2. P. de Aragon) *in re grave cuique cauſam ſuam deferre ad ſedem*
2. *q.* 69. *a.* 3. *Apoſtolicam; quando vel ex imperitia, vel ex Paſſione inferiorum judi-*
D. Th. *cum qui* homines *ſunt ac* decipi *poſſunt, injuriam patitur:* The Pope cannot be deceived, he is more than a Man.

2. Matters of Fact, by reaſon of Appeals, come to be ſentenced at a great diſtance from the place where the Crime and Offence lieth, which in Worldly Concernments may with more Righteouſneſs be done, than in what is Spiritual, and of Church Cognizance.

1. Tranſgreſſions come under a Civil Judgment, as materially conſidered, and according to the groſs Act, but brought to the Church, not as *Sins* ſimple, but as *Scandals* and Offences, which is a Conſideration not ſo obvious, but requires good judgment in the *Witneſſes*, as well as in the Judges. The *Obſtinacy* alſo, or *Penitency* of the Perſon offending, accordingly as Teſtimony ſhall be given of either, is a more difficult matter to make out, than either the *Sin* it ſelf, or the *Scandal.* Repentance, Godly Sorrow, or the contrary, is the principal thing to be regarded in Church-proceſs. Repentance, I ſay, in truth and ſincerity, ſo far as we can judge in (a ſeeing and not blind) charity. It is not only the Paſſion, Sorrow, or Shame, but *Godly Sorrow*, which is more ſpiritual, and deeper in the heart, and requireth much and particular knowledge of the Perſon, and his temper, and ſuch as cannot be attained at a diſtance, but by frequent and familiar Converſe. To ſit in the Stool of Repentance, ſtand in a White Sheet, or do *Penance*, (as it's termed) theſe are (as *the fruits of the fleſh*) *manifeſt*, and judged of at the greateſt diſtance, it's not ſo
Prov. 20. 5. deep, as we need much *underſtanding* to *draw it out.*

2. The Cenſure, whether binding or looſing, is to be executed always by the particular Church where the Offender is a Member; thoſe perſons above all others are to have a particular knowledge of his Crime and true Repentance; they are *to forgive, and con-*
2 Cor. 2. 7. *firm their love*, or otherwiſe, to *withdraw* from him. *If* THY
Mat. 18. 15, 17 *Brother offend thee, let him be unto* THEE *an Heathen*, &c. The *Execution* of the Cenſure being by each Brother of that Church,

it

it is neceſſary the *Examination* of the matter be before them. Spiritual Duties are not to be performed upon an *implicit* Faith. What knowledge, but by remote hereſay, can a Church in the *Orchades* have of a mans repentance or obſtinacy, the ultimate tryal and cognizance whereof, is taken by a Synod at *Edenburgh*. Civil cenſures are for Satisfaction of the whole Nation, and not the Pariſh or Borough only where the crime was committed: but in a Church-cenſure, the prrticular Aſſembly being only, and no other Congregation, or perſon morally *leavened*, and charged with the offence: Are principally, and in the firſt place concerned, to have ſatisfaction of the repentance and ſubmiſſion of the perſon offending: For by this means only their *Lump* or Church, becomes again *unleavened*.

4. The other *End* (before mentioned) and *Uſe* of Appeals is, that our *Judges* and their *Sentence* be cenſured and judged by ſuperior Tribunals. To which proceeding, the Judges in Civil Judicatures are liable; but there is not the like Subordination in Churches for theſe Reaſons.

4 *Diſparity.*

Unaquæq; res per quaſcunq; res naſcitur per eaſdem diſſolvitur.

1. All the Power and Authority placed in their Inferior Courts, is no other but the influx of the ſupream Civil Powers, to whom we always make our laſt Appeal, and therefore proper to them, to *ſuſpend* Actings, nay utterly to *deſtroy* in part or in whole, what Jurisdiction is derived from them, as appears in the Conſtitution of all Kingdoms: But it is not ſo here a particular Church. The Court we are to Appeal from, hath not its Being or Jurisdiction, from a Claſſis or Synod; * theſe rather derive their Power from it, being *Repreſentatives* only, as our Brethren have formerly written. Particular Churches, they term *Eccleſiæ primæ*, and Synods *Eccleſiæ ortæ*. Again, if Synods (as they grant) exerciſe over Churches a Power only *cumulative*, not *deſtructive*: How can they Excommunicate a Church, ſeeing Excommunication renders a Society as *Heathens* and *Publicans*, which is to unchurch them, as Mr. *Rutherford* rightly affirms.

* *Eccleſia Parochialis eſt Eccleſia vera eſſentialiter & integraliter abſq; alla correſpondentia vel Synodo Vott. de Syn. pag.* 13. Parker *de Polit. Eccleſ. lib.* 3. *cap.* 13. *It is an authoritative unchurching of an obſtinate Church we plead for.* Ruth. *peaceable Plea, cap.* 15. *p.* 223, *and p.* 222. *Excommunication is an authoritive unchurching.*

2. Although whole Churches may be puniſhed for male Adminiſtration by the *Civil* Magiſtrate, yet may not an *Eccleſiaſtical* Power meerly ſuch, do the like, for to deſtroy or ſave whole Societies, for the Evil of a major part, or a few perſons, is the prerogative of the Lord himſelf, which he communicates alſo in ſome caſes to Civil Magiſtrates, his *Deputies*. but in no caſe to Churches; it being an Authority high and Princely, and not at all

all ſutable to ſuch as have only a Miniſtry, and not a Dominion. Biſhop *Davenant* tells us, That *a Cenſure is not to be drawn on the whole Body of the Church; for as the Laws forbid to Excommunicate a Society or Corporation, becauſe it may happen, that thoſe that are innocent may be intangled in the cenſure: So Right and Religion forbids to exclude whole Churches from the Communion of the Faithful, becauſe this cannot be done without an injury and contempt to many that be innocent.* What ever formerly of this ſame unchurching power in Synods hath been aſſerted, yet ſince upon further debate we are told; this ſame *Excommunicating of whole Churches is a thing not known in the* Presbyterian *Government, and not the Churches, but particular perſons in the Churches are cenſured.* But how can we ſay ſingle perſons only are to be cenſured, and not the whole Church? Whenas we know the *contending parties* of what condition ſoever, are both equally liable to the *Cenſure of the Judge.* Now when matters are brought by Appeal to a ſuperior Court, the Court Appealed from, is a Party; and in this reſpect upon no higher terms than the *pars appellans*, though a ſingle perſon.

Brotherly Communion, c. 9. p. 102.

Aſſemb. diſputes pag. 180.

But grant it be ſo, and that the object of a Cenſure from a Synod be only particular members. Then, 1. Churches cannot have ſuch a remedy as in Civil States, for Appeals of this Nature are not to be made to any, but perſons inveſted with ſuch a power, as may ſuſpend, or make void in part, or in whole, the power of that Court by whom the wrong hath been done and Appealed from, as hath been ſhewed.

Excommunicatio ejusq; denunciatio poſt appellationem legitimam latam, eſt nulla. Nardus *p.* 53. *col.* 2.

2. If there be no Power in a Synod, of ſuch a proportion ſuperior to a Church, as to cenſure it by Excommunication or Suſpenſion at leaſt: Then will the Members of this Church, by admitting ſuch Appeals, be neceſſarily under a twofold Juriſdiction not ſubordinate, which tends to the greateſt confuſion imaginable: For if the Synod and the Church in their Light and Apprehenſions vary about the condition of an Offender, one of them may in Conſcience be bound to juſtify whom the other condemns.

3. There is no *ſupply* of a ſuppoſed *Defect*, or Addition of what was not before, for if their ſuperior powers Excommunicate particular Members only and not the whole Church: This is nothing more than each particular Church hath power to do. And it is as much an Ordinance of Chriſt, where two or three,

that

that is a leſſer number are gathered together, as where a greater; a Cenſure by the Church at *Kenchris*, is as much a Cenſure, as if by *Corinth*. If a Quarter Seſſions Execute a man, its as much a Judicial deal, as if judged by the Aſſize, *Kings-Bench* or Parliament. The reaſon is obvious, its the Law that judges him, not this or that Judicature: So it is the Law and appointment of Chriſt that Excommunicates, not this or that Presbytery, greater or leſs, and this Law is the ſame to all.

We come now to the other part of the Argument, drawn from the light of Nature, *If Appeals be not, there will be a defect in Chriſt's Government; Perſons are left without remedy, for wrongs done by whole Churches.*

I anſwer with *Suarez* in the ſame caſe, *Argumentum eſt* (ſaith he) *ab ſpecie ad genus negativum, defenſio eſt genus & latius patet quam appellatio. Poteſt enim ad ſuperiorem recurrere per ſimplicem querelam vel per modum ſupplicationis, &c. quod eſt ſufficiens remedium diverſum appellatione & multo magis decens religioſum ſtatum.* "It is an Argument from the *Species* to the *Genus*, there are other "ways of defence. We may have recourſe to a Superior by ſimple "*Complaint*, or by way of *Supplication*; which is a ſufficient re- "medy, and divers from an *Appellation*, and much more becom- "ing the ſtate of Religion; thus that Author. More particular- "ly, we therefore Anſwer. *De virtute* Tom. 4. p. 99.

1. *There may be a ſufficient defence or remedy, though not by Appeals.*
2. *There may be Appeals, though not in ſuch a way.*

1. For the firſt, this Addreſs or *Recurſus* to others Superior or equal, is not for the putting forth any Act of Juriſdiction or Compulſion: Such perſons interpoſe by way of Intreaty, Perſwaſion, Pleading the Cauſe of the wronged, Reproving, Threatning, or in ſuch way, as a ſingle Paſtor may deal with any of his people. Thus *Paul* often, in a difference between *Philemon* and *Oneſimus*, *Philem.* verſ. 10. *I beſeech thee for* Oneſimus, *Phil.* 4. 2, 3. *I beſeech* Evodias *and* Syntiche: It was upon ſome breach in the Church, 1 *Cor.* 1. 10. *Now I beſeech you Brethren that there be no Diviſion.* This interpoſition of the Apoſtle with the *Corinths*, was upon the deſire of the *Houſe of Cloe* ver. 11. There may alſo be more earneſt *Pleadings*, *Reaſonings*, *Rebukes*; yea openly, and before others. The Apoſtles were equal in Authority, yet *Paul.* did not only Reaſon and Plead with *Peter*, but Rebuke and Reprove him publickly, and before o- *Hoſ.* 2. 2. *Gal.* 2. 11, 14.

 thers.

Act. 15. 39. thers. And in his dealing with *Barnabas*, *Pauls* ſpirit did riſe higher, and yet no Power or Juriſdiction exerciſed, or might be by one Apoſtle over another.

If Synods be applyed unto, only for Counſel and advice in differences and difficult caſes, it is a *proviſion* not to be deſpiſed. Scripture-light in an inſtruction or reproof is cogent, by what hand ſoever adminiſtred, but more eſpecially when in the way of an Ordinance or Appointment of Chriſt. As are Paſtors, and Synods, though intruſted with a *Declarative* Authority only.

Let it be conſider'd how the greateſt reformation made in the Hearts and Lives of men and women, is ordinarily by the application of the Word of God in the Ordinance of Preaching; which is the Inſtruction, Reproofs, *&c.* of a ſingle Miniſter, who hath not power to Excommunicate ſuch as deſpiſe his Doctrine. *Faith comes*
1 Cor. 5. *by Hearing*, not by Diſcipline. Until they be judged, believers they *are without*. If this means, or ſuch a Doctrinal Application by a ſingle Miniſter, be ſufficient to make ſuch Reformation upon ſingle perſons, and thoſe that as yet own not Chriſt, or have Conſcience of an Ordinance, why ſhould we not expect the like fruit where many Miniſters are Synodically gathered for the Reformation of whole Churches, (perſons profeſſing to underſtand and reverence ſo ſolemn an Ordinance of Chriſt) though there be no coercive Power intruſted with it, to enforce Submiſſion.

Receptum eſt in Gallia ab Eccleſiaſticis poſſe provocari ad ad curias ſupremas Parliamentorum P. Gr. Tholoſ. *l.* 50. *c.* 2. §. 36. Ruther. *Due Right cap.* 6. §. 5. *pag.* 396.

2. There *may be Appeals, though not in the ſame Series*, but to a Tribunal extrinſecal, and not meerly Spiritual: as when we appeal to the Civil Magiſtrate, or ſuch as are appointed by him over Eccleſiaſtical matters. For 1. if *the King in his Laws, and the Church in their Synodical Canons, command and forbid one and the ſame things*, as is aſſerted. And 2. if the perſons commanded ſtand as much in a Civil Relation to their Prince, being Subjects, as they do in a ſpiritual Relation to the Church, as Members. Doubtleſs the Chriſtian Magiſtrate having a Supremacy in Eccleſiaſtical matters as in Civil, and (eſpecially) being aſſiſted by the *Councel* and *Advice* of Synods, is a ſufficient and effectual means to reform the miſcarriages of particular Churches, if appealed unto.

The truth is, though Churches were threatned, or ſtruck with the higheſt cenſures (being meerly Spiritual) and from a National Synod the higheſt Throne: Were it not from foreſight, that if ſuch Diſcipline be deſpiſed, the Magiſtrates Sword, by ſome Corporal

poral punishment will second it, there would be little fear or dread of those Synodical censures. And if so, as it is apparent to the most in a National or Provincial Church as ordinarily constituted, it is no otherwise. Common Reason will direct us rather to go *immediatly* by *Appeals* to the Civil Magistrate, or his Delegates, than in such a compass, as to drive the cause from a Consistory to a Classis, from thence to a Provincial Synod, and after that to a National Assembly; and when all this is done, there is little to any purpose done, if not seconded by a *secular arm*. Hence our learned Brethren formerly admitted no other Appeals of this nature, but to the Civil Magistrate, as we have fully shewed in the former *Digression*: To which we add what is by that Author further said. "If the Brethren or Officers in a Church be per- *Cap. 2.*
"verse, and will not hearken to Reason, they (that are wrong-
"ed) are to crave the assistance of the Civil Magistrate, who alone
"hath Powers and who ought by the Civil Sword and Authority,
"procure to all Members of the Church, Governors or others,
"freedom from all manifest injuries and wrongs. The manner how the Civil Magistrate is to proceed in Church-causes, is there also described to us in the words following; "Though the Civil
"Magistrate cannot absolve the Excommunicate person, &c. or
"take away this power from the Church, yet when they or any
"of them shall apparently abuse the same, he is bound by the
"Law of God, and by virtue of his Office grounded upon the
"same, to punish them severely for it, and to force them by Civil
"Mulcts to rectify, &c.

THus I have done with that first Consideration, upon the account whereof the *Usefulness* and *Necessity* of the Civil Magistrates Ecclesiastical power is affirmed: Which is, in respect to the well-being of *Churches*. There is another consideration remaining now likewise to be prosecuted, shewing the like necessity of this Power, in respect and relation to the well-being of the *Commonwealth*. The *Knowledge* and true *Worship* of God, and the means hereof the *word* of God, is a national gift. *He hath given his Law to* Jacob — *he hath not dealt so with other Nations*. It was true *Psal. 147.* then, for *Israel* had this priviledge as a peculiar; but now it is otherwise. And where the Lord is so bountiful to a Nation, thus to give the means of Life and Salvation, it is a *Depositum* Governors must account for. The whole Nation becomes peaceable, prosperous

or otherwiſe, according as the matters of God and his Worſhip, are more or leſs Religiouſly attended by the Governors and People thereof. This Conſideration is urged by Biſhop *Davenant* to this purpoſe, *Regia poteſtas judiciariâ ſe extendit ad ea omnia ſancienda quæ rem publicam florentem conſervant atq; ad ea tollenda*, &c. "The "Kings Legiſlative power extends to the eſtabliſhming of whatſo- "ever may preſerve a Commonwealth in a flouriſhing State, and "the taking away of all ſuch things as may prejudice or ruine "it. But the Religious Worſhip of God is granted of all, even of "the very Heathens; as of concernment to the well-being of the "Republick, and the neglect of it to the everſion of it. The care- ful and orderly management of Religious affairs, being a ſpecial means and way to make the Republick proſperous, the care where- of lieth upon the Magiſtrate: It is neceſſary that he both judge of, and put forth his Authority, in the procuring and preſerving ſuch a means or conducement, the further proſecution of this ſecond Argument, together with other particulars, requiſite to the reſol- ving this *Caſe*, I ſhall leave to a ſecond *Part* of this Diſcourſe, in which, after the clearing and vindicating the former part of the Oath as lawfully to be taken: The two great doubts ariſing from the latter part of it, ſhall more largely be inſiſted upon. The words are theſe: *I ſhall to my Power Aſſiſt and Defend all Juriſdictions — belonging to the Kings Highneſs — or united to the Crown*, &c.

Daven. de jure cont. ca. 16. p. 91.

The *Doubts* hereupon are,

1. The Juriſdiction, Priviledges, &c. granted and united to the Imperial Crown, are unknown unto us, and ſome of them Controverted: How can we *ſwear in judgment?* Anſw. Though there be not a diſtinct knowledge in reſpect of each particular, yet an Oath may be taken in Judgment, and how.

Jer. 4. 2.

2. There are ſome *Juriſdictions*, *Priviledges*, &c. in Spiritual matters granted and united to the Crown, the lawfulneſs where- of are ſcrupled; and we may poſſibly believe they do not *belong* to the *Civil* Magiſtrate, How can we ſwear to aſſiſt and defend him in ſuch, and *Swear in Righteouſneſs? Anſw.* In a Federacy, or Allegiance, to aſſiſt and defend another, againſt a common Enemy, if the things be juſt and lawful in *His* opinion, though doubted of, or thought otherwiſe in *ours*: It is no unrighteouſ- neſs in us to give aſſiſtance according to our Oath. Theſe Reſo- lutions and Aſſertions I doubt not, will be made evident, in what is to follow, and be the other part of this Diſcourſe.

POST-

POSTSCRIPT.

King James *in his Apology for the Oath of* Allegiance, *Pag.* 46, &c. *thus argues with Cardinal* Bellarmin, *viz.*

AS the Oath of Supremacy was deviſed for putting a Difference between Papiſts, and them of our Profeſſion; ſo was this Oath [of Allegiance] which *Bellarmine* would ſeem to impugn, ordained for making the Difference between the civily obedient Papiſts, and the perverſe Diſciples of the Powder-Treaſon. In King *Henry* the Eight's time was the Oath of Supremacy firſt made; by him were *Thomas Moor* and *Roffenſis* put to death, partly for refuſing it. From his time till now, have all the Princes of this Land, profeſſing this Religion, ſucceſſively in effect, maintained the ſame: and in that Oath only is contained the King's Abſolute Power to be Judg over all Perſons, as well Civil as Eccleſiaſtical; excluding all Foreign Powers and Potentates to be Judges within his Dominions: Whereas this laſt made Oath containeth no ſuch matter, only medling with the Civil Obedience of Subjects to their Soveraign in meer Temporal Cauſes. And that the Injuſtice as well as the Error of *Bellarmin*'s groſs miſtaking in this Point, may yet be more clearly diſcovered; I have alſo thought good to inſert here immediately after the Oath of Supremacy, the contrary Concluſions to all the Points and Articles, whereof this other late Oath doth conſiſt; whereby it may appear what unreaſonable and rebellious Points he would drive my Subjects unto, by refuſing the whol Body, or that Oath as it is conceived. For he that ſhall refuſe to take this Oath, muſt of neceſſity hold all or ſome of theſe Propoſitions following.

1. That I King *James* am not the lawful King of this Kingdom, and of all other my Dominions.

2. That the Pope by his own Authority may depoſe me: If not by his own Authority, yet by ſome other Authority of the Church, or of the See of *Rome*. If not by ſome other Authority of the Church and Sea of *Rome*, yet by other means with others help he may depoſe me.

3. That

3. That the Pope may diſpoſe of my Kingdoms and Dominions.

4. That the Pope may give Authority to ſome Foreign Prince to invade my Dominions.

5. That the Pope may diſcharge my Subjects of their Obedience and Allegiance to me.

6. That the Pope may give Licence to one or more of my Subjects to bear Arms againſt me.

7. That the Pope may give leave to my Subjects to offer Violence to my Perſon, or to my Government, or to ſome of my Subjects.

8. That if the Pope ſhall by Sentence excommunicate or depoſe me, my Subjects are not to bear Faith and Allegiance to me.

9. If the Pope ſhall by Sentence excommunicate or depoſe me, my Subjects are not bound to defend with all their power my Perſon and Crown.

10. If the Pope ſhall give out any Sentence of Excommunication, or Deprivation againſt me, my Subjects by reaſon of that Sentence, are not bound to reveal all Conſpiracies and Treaſons againſt me, which ſhall come to their hearing or knowledg.

11. That it is not heretical and deteſtable to hold that Princes being excommunicated by the Pope, may be either depoſed or killed by their Subjects, or any other.

12. That the Pope hath Power to abſolve my Subjects from this Oath, or from ſome part thereof.

13. That this Oath is not adminiſtred to my Subjects, by a full and lawful Authority.

14. That this Oath is to be taken with Equivocation, mental Evaſion, or ſecret Reſervation; and not with the Heart and good Will ſincerely, in the Faith of a Chriſtian Man.

FINIS.